

75-601

COMMUNIST ACTIVITIES AMONG PROFESSIONAL GROUPS IN THE LOS ANGELES AREA—PART 4

HEARINGS

BEFORE THE

COMMITTEE ON UN-AMERICAN ACTIVITIES

Congress. HOUSE OF REPRESENTATIVES

EIGHTY-SECOND CONGRESS

SECOND SESSION

OCTOBER 3, 6, AND 7, 1952

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COMMUNIST ACTIVITIES AMONG PROFESSIONAL GROUPS IN THE LOS ANGELES AREA

FRIDAY, OCTOBER 3, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10:15 a. m., in room 518, Federal Building, Hon. John S. Wood (chairman) presiding.

Committee members present: Representatives John S. Wood (chairman), Francis E. Walter, Clyde Doyle, Harold H. Velde, and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., assistant counsel; Louis J. Russell, senior investigator; William A. Wheeler and Charles E. McKillips, investigators; and John W. Carrington, clerk.

Mr. Wood. Let us have order, please.

Counsel, are you ready to go forward?

Mr. TAVENNER. Yes, sir. I call Dr. Max Sosin.

Mr. Wood. Will you raise your right hand and be sworn, please, Doctor?

You solemnly swear the evidence you shall give the subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. SOSIN. I do.

TESTIMONY OF MAX BENJAMIN SOSIN, ACCOMPANIED BY HIS COUNSEL, THOMAS G. NEUSOM, ROBERT W. KENNY, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Dr. SOSIN. My name is Max Benjamin Sosin.

Mr. TAVENNER. Are you represented by counsel?

Dr. SOSIN. I am represented by very able counsel.

Mr. TAVENNER. Will counsel identify themselves for the record?

Mr. MARSHALL. Thomas Neusom, Robert Kenny, and Daniel G. Marshall.

Mr. TAVENNER. Will you spell your name, please, sir?

Dr. SOSIN. S-o-s-i-n.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. SOSIN. Due to circumstances over which I had no control, I was born on October 25, 1906, in Odessa, Czarist Russia.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Dr. SOSIN. I am a resident of Los Angeles.

Mr. TAVENNER. How long have you resided in Los Angeles?

Dr. SOSIN. I think we got here sometime in 1921 or 1922.

Mr. TAVENNER. When did you come to this country?

Dr. SOSIN. I came here as an infant. I was hardly 15 months old when my parents left Czarist Russia because of the tyranny and oppression that we had there, and they had come to America because they had a dream of hope, of freedom, of the freedom of expression which they found and heard and embodied in the Bill of Rights.

Mr. TAVENNER. You know I did not ask you for the reasons why you left the country of your birth.

Dr. SOSIN. I just told you, why.

Mr. TAVENNER. I did not ask you the question, and I will ask the chairman to direct, if he will, that you confine your answer to my questions.

Mr. WOOD. Please do that, Doctor, and let us get along with the hearing.

Mr. TAVENNER. Are you a naturalized American citizen?

Dr. SOSIN. I am. I became a citizen by virtue of derivation, because of my father who had come here those many years ago.

Mr. TAVENNER. What has been your educational training for your profession, that is, your scholastic training?

Dr. SOSIN. My scholastic training started at my mother's lap, many years ago. I have in my blood and in my veins the hatred of tyranny, the hatred of oppression.

Mr. TAVENNER. May I ask the witness be directed to answer the question.

Mr. WOOD. Please, Doctor, let us confine our answers to the questions.

Dr. SOSIN. I am giving you the basis of my reasoning and my education, which goes a long way back before I had gone even to school.

Mr. TAVENNER. That is not my question. I asked you for your scholastic training.

Dr. SOSIN. That is part of my scholastic training.

Mr. TAVENNER. Then I will withdraw the question, if that is the only interpretation you can put on it.

Dr. SOSIN. I will give you my answer to my scholastic training.

Mr. TAVENNER. Mr. Chairman, I have withdrawn the question.

Have you used the name G. E. Donohue at any time?

Dr. SOSIN. I refuse to answer that question on the grounds of the fifth amendment, and the entire fifth amendment.

Mr. TAVENNER. Dr. Louise Light has testified before this committee that she was a member of the Communist Party from 1935 to 1945, and that she identified you as a member of the medical branch of the Communist Party. I would like to ask you first whether or not you were a member of the medical branch of the Communist Party in Los Angeles, and if so, how that organization was formed, if you know, and its purposes.

(The witness conferred with his counsel.)

Dr. SOSIN. I refuse to answer that question on the ground of the first amendment, on the ground of the fifth amendment and the grounds of the ninth amendment and the grounds of the tenth amendment.

Many men have come before you who have given you most able reasons and which I find myself not as well qualified to give, so I have to resort to just naming the constitutional grounds.

Mr. TAVENNER. Which is just as effective in every respect.

Are you now a member of the Communist Party?

Dr. SOSIN. The same question and the same answer.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. SOSIN. And the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. SOSIN. Again you are asking me the same question and I have to give you the same answer on the very same grounds.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WOOD. Mr. Doyle, do you have a question?

Mr. DOYLE. Did you say you stood upon your rights under the ninth and tenth amendments?

Dr. SOSIN. I think so.

Mr. DOYLE. What is the ninth amendment to the Constitution of the United States?

(The witness conferred with his counsel.)

Mr. WALTER. It is perfectly obvious that he does not know, and why press it, and we don't want to get the lawyer's definition of it; we know what that is.

Dr. SOSIN. Upon advice of counsel, I have found that I do not have to go into the choice of detail on this question. If you want to know what the Constitution says in the ninth amendment and the tenth amendment, I think the record would have it, and——

Mr. DOYLE. Doctor, I asked you that question as a matter of good faith on your part and my part. I noticed you took a minute and a half to confer with your counsel after I asked you that question, which is perfectly proper, for them to advise you of your constitutional rights.

I will ask you now what the tenth amendment is upon which you claimed the privilege, the tenth amendment of the Constitution of the United States, if you know, and if you do not know, counsel again with your lawyers.

(The witness conferred with his counsel.)

Dr. SOSIN. The same answer that I would give you to the ninth amendment will apply to the tenth amendment.

Mr. DOYLE. Thank you, Doctor.

Mr. WALTER. What type of physician are you?

Dr. SOSIN. I am not a physician.

Mr. WALTER. What are you?

Dr. SOSIN. I am a dentist.

Mr. WOOD. Any further questions?

(No response.)

Is there any reason why the doctor should not be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. WOOD. Call your next witness.

Mr. TAVENNER. Dr. Louis Schonfield.

Mr. WOOD. Doctor, will you please raise your right hand?

Do you swear that the evidence which you shall give this committee shall be the truth, the whole truth and nothing but the truth, so help you God?

Dr. SCHONFIELD. I do.

Mr. WOOD. The record will show that the same counsel represents the witness.

TESTIMONY OF LOUIS SCHONFIELD, ACCOMPANIED BY HIS COUNSEL, THOMAS G. NEUSOM, ROBERT W. KENNY, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Dr. SCHONFIELD. My name is Louis Schonfield.

Mr. TAVENNER. Will you spell it?

Dr. SCHONFIELD. S-c-h-o-n-f-i-e-l-d.

Mr. TAVENNER. When and where were you born?

Dr. SCHONFIELD. I was born in Lublin, Poland, a very famous place. One million people were cremated there by Hitler.

Mr. WALTER. Isn't there a concentration camp at the same place today?

Dr. SCHONFIELD. I don't know. It could be.

Mr. WALTER. There is a very large Communist concentration camp there.

Dr. SCHONFIELD. I am an American. I live here.

Mr. TAVENNER. When did you come to the United States?

Dr. SCHONFIELD. I came here in 1920.

Mr. TAVENNER. Are you a naturalized American citizen?

Dr. SCHONFIELD. By derivation.

Mr. TAVENNER. Do you now reside in Los Angeles?

Dr. SCHONFIELD. I do.

Mr. TAVENNER. How long have you resided here?

Dr. SCHONFIELD. I will say about 32 years since I came here.

Mr. TAVENNER. What is your profession?

Dr. SCHONFIELD. I am a dentist.

Mr. TAVENNER. Will you state briefly what your scholastic training has been for your profession?

Dr. SCHONFIELD. I went through the school system of the city, through the grammar, junior and high schools and I went to the University of California at Los Angeles, and I got my bachelor's degree and then I went to the University of Southern California Dental School, and I graduated in 1936.

Mr. TAVENNER. Well, Doctor, there has been testimony before the Committee on Un-American Activities by Dr. Louise Light that she was a member of the Communist Party from 1939 to 1945, and she identified you as having been a member of the medical branch of the Communist Party of which she was also a member. I would like to ask you whether or not that is true and if so, then I would like to know what you know of the origin of that group and its purposes.

Dr. SCHONFIELD. Mr. Tavenner, I decline that question and all similar questions because I feel this committee has no right to ask me unconstitutional questions.

I also feel, I heard yesterday something about reprisals, and I thought this was a legislative committee, and not a judicial committee.

something about no reprisals for someone. Evidently there may be some reprisals for others.

Another thing, I feel that this committee is helping to spread fear and intimidation which as a little boy I saw in Poland, and we did not like it there, and we came here to a free country and we like it here and I want to keep it that way, and I am going to fight for that the only way I know how, and I feel that this committee by spreading this fear and intimidation is not helping our country at all.

Also, it affects my relationship to my patients. Where it concerns me is only a matter to me, but where they may either lose faith in me and seek maybe another dentist or other dentists, of which there is a shortage, they may also be suspicious of those people, and they don't know, and perhaps they too will be called before the committee some day, and they will have to wonder who they can go to before they can get somewhere where they won't have to be afraid or where they won't be called.

Mr. VELDE. You could very well remove that suspicion by answering the questions honestly, and truthfully, and why don't you do it?

Mr. MARSHALL. I don't think any useful purpose is served, Mr. Chairman, by the member challenging directly the witness.

Dr. SCHONFIELD. I think I am in the middle of an answer.

Mr. VELDE. I haven't challenged the honesty of the witness, and I just asked him to answer the questions honestly and truthfully.

Mr. WOOD. Just a moment. Confine your remarks to your client, please, Mr. Marshall.

Dr. SCHONFIELD. I am answering honestly. I am answering the way that my conscience tells me to answer, and I would like to finish my answer. I would like to say that I refuse to answer this question on the basis of the first amendment, which says that I don't have to open my skull and let people look into it to see who I associate with or what I think or how I feel, and I believe that the Constitution and especially certain of the amendments were put in for the innocent. Therefore, I refuse on the basis of the first amendment, the fifth amendment, the ninth and tenth amendments.

Mr. TAVENNER. Dr. Light also testified she attended a Communist Party meeting in your home. Was that true or false?

Dr. SCHONFIELD. I decline to answer that question for the same reasons.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. SCHONFIELD. The same question and the same answer and the same reasons.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. SCHONFIELD. The same question and the same answer and the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. I have no questions.

Mr. VELDE. I have no questions.

Mr. JACKSON. I have no questions.

Mr. WOOD. Is there any reason why this witness should not be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. TAVENNER. Dr. Alexander E. Pennes.

Dr. PENNES. Just a moment. I would like to have the photographs taken at the beginning of my testimony, and I would like not to be interrupted during my testimony.

Mr. WOOD. That will be done.

Will you raise your right hand and be sworn, please? You solemnly swear the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. PENNES. I do.

Mr. WOOD. Be seated, please, and if pictures are desired, please take them now, gentlemen.

TESTIMONY OF DR. ALEXANDER E. PENNES, ACCOMPANIED BY HIS COUNSEL, DANIEL G. MARSHALL, ROBERT W. KENNY, AND THOMAS G. NEUSOM

Mr. TAVENNER. What is your name, please, sir?

Dr. PENNES. Just one moment, counsel. I have some notes that I would like to have available in case I would like to use them.

Mr. Chairman, may I have a moment just to make a remark to you. I intend to answer these questions as briefly as I possibly can without any delaying tactics, to the best of my ability and conscience, and I request that I not be heckled by anyone, and I will cooperate as much as possible.

Mr. WOOD. You shall not be heckled by anyone, but if your answers are not responsive to the questions, and it is an argumentative statement, I will try my best to restrain it to the questions asked.

Dr. PENNES. I will ask permission to formulate my answers in my own way.

Mr. DOYLE. May I just say this, Mr. Chairman, that it seems to me that these highly professional men ought to realize that in the room are many other professional men that want to get back to their practices, too.

Mr. WOOD. I understand.

Mr. DOYLE. It seems to me that they ought to take that into consideration. We are refusing to ask long questions of you men so you can get back to your busy offices.

Dr. PENNES. I have been sitting here for 3 days.

Mr. DOYLE. We are trying to get rid of you so you can go back there.

Dr. PENNES. Now that I am on, I would like to make my full statement.

Mr. DOYLE. Many of you men sit here in the room after you are through testifying, I notice, and they stayed here all day yesterday after they finished testifying.

Dr. PENNES. They probably canceled the whole day's work, Mr. Doyle.

Mr. TAVENNER. What is your name, please, sir?

Dr. PENNES. My name is Alexander Ellis Pennes.

Mr. TAVENNER. Will you spell your last name, please?

Dr. PENNES. P-e-n-n-e-s.

Mr. TAVENNER. I notice you are represented by the same counsel as the previous witness.

Dr. PENNES. I have the pleasure to be represented fortunately by adequate counsel, and will you please introduce yourself, gentlemen?

Mr. NEUSOM. We can state it is the same counsel. That is all right.

Mr. TAVENNER. When and where were you born, doctor?

Dr. PENNES. I was born in Philadelphia, the city of brotherly love, September 1, 1912, and I might just add one brief moment within walking distance of Independence Hall and the Liberty Bell.

Mr. TAVENNER. Where do you now reside?

Dr. PENNES. In Los Angeles.

Mr. TAVENNER. How far from the Liberty Bell?

Dr. PENNES. Three thousand miles, but I still feel I am within walking distance of it, Mr. Counsel.

Mr. TAVENNER. Do you feel that the Liberty Bell is of importance in answering the place of your birth and your present residence?

Dr. PENNES. I think it is, and I definitely feel that way, because over Philadelphia there dominates a very large statue of William Penn, and the historic shrines in Philadelphia mean a great deal to me, and that is why I am here to present myself today and try to defend them and keep them the way they were intended to be.

Mr. TAVENNER. What is your profession?

Dr. PENNES. I am a doctor of medicine and a radiologist by speciality.

Mr. TAVENNER. How long have you engaged in the practice of your profession in Los Angeles?

Dr. PENNES. I have practiced exclusively in Los Angeles for the past year, but I maintained a combined hospital practice and private practice for 4 years prior to that, and for several years before that I practiced exclusively at St. Joseph Hospital in Orange, Calif.

Mr. Counsel, I would like to file my history as it developed from the beginning, if you don't mind, professionally and my hospital connections and training. I would like to have that privilege.

Mr. TAVENNER. I think all that is necessary is to state what your scholastic training has been and I do not object in what order you state it.

Dr. PENNES. I would like that privilege of telling my professional and hospital training.

Mr. Wood. You are only requested to give your training for your profession. That is the only question that is asked you, and will you confine your answer to that?

Dr. PENNES. Just my own profession. I graduated Central High School in Philadelphia in 1929 with distinction. In 1929 I entered the University of Pennsylvania and completed a 4-year course in 3 years with honors. At the completion of my college training, based on my high school and college grades, I was awarded a scholarship to Jefferson Medical College by the Board of Education of Philadelphia. I graduated from Jefferson College in 1936, and I interned at Jefferson Hospital in Philadelphia for 27 months, from 1936 to 1938. For 1 year thereafter I was a reserve medical officer in the United States Army, Medical Corps.

Following that, I spent 2 years in the Veterans' Administration hospital, 1 year in Bronx, N. Y., and 1 year in Leavenworth, Kans.

Following that, I left the Veterans' Administration to take additional training, and I might add at this point that I was a radiologist for the Veterans' Administration in both institutions, primarily or mostly at Leavenworth, Kans.

I then went to the University of California, in 1942, having had the unfortunate occurrence of being rejected for military service as a reserve medical officer in 1942, and I followed my medical training from 1942 to 1944 at the University of California Medical School. I finished that training as an instructor in radiology.

I left the University of California Medical School to accept a position as chief radiologist at St. Joseph Hospital in Orange, Calif. I held that position for 7½ years, actually until September 22, 1951, when I was asked to resign because of a mention of my home on the previous day by you, Mr. Tavenner, when you examined one of the doctors during that period of the hearing.

After the mention of my home, I might say, two times, with you spelling my name, I received a telephone call the next day, and I was not due in the hospital, and it was a Saturday.

Mr. WOOD. Do you think that that is responsive?

Dr. PENNES. Can I finish the sentence?

Mr. WOOD. Do you think that is responsive to the question asked you, to give your training as a doctor? Is that part of your training as a doctor?

Dr. PENNES. It was, because it changed the whole course of my medical career.

Mr. WOOD. And you consider that to be part of your training as a doctor?

Dr. PENNES. All right.

Mr. WOOD. I am going to let you finish the statement, but please let us get along with it.

Dr. PENNES. That incident changed the course of my whole medical career, and I think I can take 30 seconds to mention it.

On September 21, while you were questioning a doctor, you asked him whether there was a certain type of meeting in my home, and you mentioned my name twice, and you spelled out my name to make sure that everybody got it, and the following day at 10 o'clock in the morning the superintendent of the hospital asked me to resign because of the associated publicity. This, mind you, after 7½ years of excellent service, admitted by the superintendent of the hospital.

Mr. TAVENNER. Was it true?

Dr. PENNES. Was what true?

Mr. TAVENNER. That the meeting was held in your home.

Dr. PENNES. Mr. Tavenner, I have lost that position 1 year ago.

Mr. TAVENNER. Was it true?

Dr. PENNES. And you asked me 1 year later whether that statement was true; and if there was information you wanted, why didn't you call me 1 year ago, and why do you bring me up now for a position that I lost 1 year ago?

Mr. WOOD. Will you answer the question?

Dr. PENNES. That meant a lot to me.

Mr. WOOD. Will you answer the question asked you?

Mr. TAVENNER. Will you answer?

(The witness conferred with his counsel.)

Dr. PENNES. Was what question true?

Mr. TAVENNER. This question:

The committee is in possession of information, Dr. Abowitz, that you attended a meeting of the medical division of the Arts, Sciences and Professions on August 12, 1951, at the home of Dr. Alexander Pennes, P-e-n-n-e-s, in Los

Angeles, that Dr. Leo Bigleman, Dr. Max Shoen were present along with a number of other members of the organization. Do you [Dr. Abowitz] recall that meeting?

Now, do you recall that meeting?

Dr. PENNES. Now, Mr. Tavenner, would you please delay that question until I finish my medical training, and I will——

Mr. WOOD. No, sir; just answer the question. You brought it up.

Mr. TAVENNER. Did that meeting occur in your home with those persons present?

Mr. WOOD. I will answer that question, Mr. Tavenner, even though it is 1 year late. The organization that you name is among approximately 600 organizations deemed subversive by this committee, along with 250 periodicals. To answer a question of that type would tend, I say, to link me with an organization that you have already judged as subversive. I therefore am put in a position, I am giving you one reason and I intend to give you some others, if I am going to answer that question, I am going to answer that question fully. I am put in a position of refusing to answer that question on the following grounds:

First of all I feel, and sincerely feel, after due consideration and study, that under Public Law 601 that authorized this congressional committee, and which after considerable discussion was found to be concerned with the investigation of subversive propaganda activities, and in view of that law the true intent of that law, and also in due consideration, I say, gentlemen, in due consideration of all of the meaning and intent of the Constitution of the United States, I must refuse to answer that.

Mr. WOOD. You do not have to.

Dr. PENNES. I chose to not answer that because of my sincere conscience on this matter that this committee to my opinion has been acting illegally and not in the true intent for which it was intended. The main production of the function of the committee, and I have paid a lot of attention to it during the past few years, has been the production of what is considered in this country completely undemocratic and contrary to the Constitution of the United States, and by that I refer to a blacklist that banishes people from employment so that you castigate and exile people so that they are no longer employable. You force their children practically to starve, and I say that advisedly, because people cannot gain employment.

Therefore this committee has in essence become both an accuser, a judge, and you inflict punishment on the individual unless he conforms, and the price for political unorthodoxy, if you please, is a blacklist that we in Los Angeles know too well about, and I sit before you as an example of a professional blacklisted on two occasions.

I have told you about St. Joseph Hospital, and I mean to tell you about another hospital in this city from which I have been blacklisted. That is my first reason.

Mr. WOOD. I am not going to permit that to stand unchallenged. If you conceive that you are on a blacklist as a result of the testimony of the witnesses that have been called to your attention, you are in the same forum now that they were.

Dr. PENNES. I realize that I am in the same forum, Mr. Wood, and I am exercising my rights as an American citizen. That is the first reason.

The next reason why I cannot answer that question is because I sincerely believe, after due observation of the last 3 days, and I have been sitting here for 3 days, that these hearings are not objective and not impartial, both from the way you treat the witnesses, the attorneys. I mean by that the way you treat friendly and unfriendly witnesses, and especially from the point of view of time and interruption and courtesy.

I mentioned, and I mention as my third point specifically, that this committee has usurped for itself judicial power. My fourth reason for refusing to answer is that, if I were to answer a question like that in true conscience, I would be degraded among my fellow men. I have heard friendly witnesses say that it is difficult.

Mr. WOOD. Do not let us argue, Doctor.

Dr. PENNES. I am sorry. I take that back.

The next point that I would like to make, which I believe is No. 5, is that I feel that the proceedings, and I say this also after due consideration and with all of the sincerity that I can muster, that the due consideration of the proceedings of this committee in view of Public Law 601 and all of the facets of the Constitution of the United States, the aims and purposes as set forth in 601, and what has actually happened from that piece of legislation in your proceedings, is the biggest hoax that has ever been perpetrated on the American people. This is not truly a legislative committee, you are not truly looking for information, because if you were, there are a lot of ways that you can get it without hurting people, without the blacklist, and without making people unemployable. You force them to be unemployable after you mention their name unless they become friendly witnesses. That is punitive and it is against the basic concepts of the American Constitution, and I am here today to defend it with all of my strength.

The next point, and the reason why I can't answer that question, is because as a physician and a citizen I put in too many years of my life. I am a conscientious American citizen and a physician, and I feel that you have injured me personally, and you have made it more difficult for me to practice, and you have hurt my relationship with physicians, and you have hurt the relationship between patients and physicians, and, lastly, you have hurt the relationship between physicians and their patients. Patients hesitate to come to physicians—

Mr. WOOD. You are argumentative now.

Dr. PENNES. I take that back.

The next point is that this committee has instilled in the American people practically unprecedented intimidation and hysteria, so that an individual, in order to maintain his job in the Government service or in the Los Angeles teaching department or in studios, has to come before this committee and do the thing that he knows he does not want to do, and very often they are forced to do it to save their own position or their wives' position, and I have actually seen it and, you have deliberately rewarded an individual after such testimony, even though he has said he has seen nothing subversive about an organization to which he belonged. You made it a point to get the name of his wife so as to make sure that she is not hurt, because he was a good boy. I don't intend to be a good boy. I intend to stand up here and defend the Bill of Rights.

Mr. WOOD. You are argumentative again, sir.

Dr. PENNES. The next point—

Mr. VELDE. I think the admission that he does not "intend to be a good boy" should be important.

Dr. PENNES. I don't want you to consider me a good boy, and I would be insulted——

Mr. VELDE. I assure you I do not.

Mr. JACKSON. Do not have any doubts on that score as far as I am concerned.

Mr. WOOD. Now, let us have order.

Dr. PENNES. The next point is that I feel that this committee is forcing conformity and political orthodoxy, and the forefathers of this country and those who framed the Constitution never intended it to be that way.

Mr. WOOD. You are argumentative again. I am not going to permit the harangue very much further; and, if you have got reasons, let us have them.

Dr. PENNES. Now, as a physician, and I am no lawyer, but I took the trouble to read the whole Bill of Rights and the Constitution.

Mr. WOOD. That is argumentative also.

Dr. PENNES. Under the sixth amendment there is something about the speed with which justice should be given. I stand before you as a victim of 1 year's duration, and I——

Mr. WOOD. You are arguing the question again. When you claim the sixth amendment, if you do, give the committee credit for being able to interpret it.

Dr. PENNES. I stand before you as a victim of the lack of speed of 1 year's duration with no attempt to answer. Regardless of how I would answer, I wanted that opportunity, and got one a year later.

Mr. TAVENNER. Did you ask for an opportunity? Did you come forward during those hearings to straighten out any testimony that might have been wrong?

Dr. PENNES. There was no testimony that involved me. It was a question by you, Mr. Tavenner, and you did not mention my name; you mentioned my home.

Mr. WOOD. I think the record should show that I think that for 4 years that I have presided over this committee I have announced publicly time after time over the radio and the public press that any person whose name has been mentioned by any witness in connection with the hearings before this committee not only was at liberty, but was invited, if they desired to do so, to appear before the committee and deny such insinuations, or explain them, or admit them.

Mr. DOYLE. Mr. Chairman, may I emphasize your statement right here?

Mr. WOOD. Any statement to that effect is completely unwarranted by the facts, and it is not supported by the facts, and they are untrue, and that will be expunged from this record.

Dr. PENNES. I would like to finish my statement.

Mr. WOOD. Very well.

Dr. PENNES. There has never to my knowledge ever been an opportunity for an attorney to cross-examine a witness.

Mr. WOOD. In that connection, I will state to you, sir, that no committee of the Congress has ever permitted it, this committee or any other committee, and anybody that knows the machinery of the Congress—your counsel knows it—it would be impossible to conduct congressional investigations if you do so, because the entire time of your

Congress and your committee would be taken up on lengthy cross-examination.

Dr. PENNES. This is the first time that I know of, and I would like to report it to you, Mr. Tavenner, and I would like to give you this information, that there is force and violence, and it is in this room, and I saw it yesterday. An attorney who asked for that permission was not allowed to finish his sentence, and he landed outside, and I think he could have had permission to finish his sentence and he would have walked out when requested.

Mr. WOOD. Just a moment. In that connection his request had been denied 30 minutes before that, and the reasons had been given to him, and he knew it. Do not let anybody be kidded by his attitude here. He was ejected from this room because his conduct was contemptuous, and it is the only recourse this committee has with reference to a lawyer. I am not going to permit you to go unchallenged with this sort of false accusations against this committee as long as I am able to speak.

Dr. PENNES. I would like to summarize; and, in conclusion, I therefore invoke the first amendment that guarantees me, as all citizens, freedom of speech, freedom of thought, freedom of association, and other freedoms which no committee or no act of Congress can nullify; and, therefore, any legislation which I think that this committee might propose would seem to me would be in conflict with the first amendment.

Next, I invoke the privilege of the fifth amendment; and, by that, I make no implications, and I desire that there be no implications, and legally there can be no implications.

Mr. WOOD. You are arguing the question again, now.

Dr. PENNES. It is designed for the guilty, as well as the innocent. I refuse to make any testimony with regard to the ASP, or any organization or any periodical that you have already judged as subversive.

I further invoke the ninth and tenth amendments; and, for the benefit of those who don't know what it is, the ninth and tenth—

Mr. WOOD. We are familiar with it, please.

Dr. PENNES. The question was asked several times.

Mr. WALTER. When we want a legal opinion we will get it from a lawyer and not a doctor, if we need it.

Dr. PENNES. You always asked why they invoke the amendment, and I will tell you.

Mr. WOOD. The fact that you invoke it is ample.

Dr. PENNES. I would like to say why I am invoking it, just one sentence.

Mr. WOOD. Doctor, let us get along with this.

Dr. PENNES. One sentence only. All of the rights that have not specifically been delegated to the State or the Federal Government in essence are reserved to the people. You can make no laws to abridge those.

Mr. TAVENNER. Now Doctor, I interrupted you in your statement of your scholastic preparation for your profession.

Dr. PENNES. I would like to finish that.

Mr. TAVENNER. I want to give you the opportunity to finish.

Dr. PENNES. Thank you very much, and I would like to finish that.

When my services at St. Joseph Hospital were abruptly terminated

on September 22, 1951, I limited myself to private practice in this city, and I have been in private practice.

Mr. TAVENNER. That is not in response to my question. That had nothing to do with your scholastic preparation.

Dr. PENNES. I have one more preparation to tell you about.

Mr. WOOD. We are talking about scholastic preparation. Have you been to school since 1951?

Dr. PENNES. No, but I had training.

Mr. WOOD. We are not talking about training. We are talking about schooling.

Dr. PENNES. It prepared me to practice my profession.

Mr. WOOD. You give us your scholastic training, and I think that is an ample answer to that question, and I am getting tired. You took 14 minutes to answer one question, and I timed you by the clock.

Mr. PENNES. I am almost through, Mr. Wood.

Mr. WOOD. Have you got any further questions for him?

Dr. PENNES. I have one hospital.

Mr. WOOD. Are there any further questions?

Mr. TAVENNER. Yes. Were you a member of a medical branch of the Communist Party in Los Angeles which was confined in its membership to members of the medical profession?

(The witness conferred with his counsel.)

Dr. PENNES. Mr. Tavenner, since to my knowledge no evidence has ever been presented linking me to the organization that you mentioned, I nevertheless choose to decline on the basis previously stated.

Mr. TAVENNER. Well, just a moment. If you need any further information about that, before answering, Dr. Light appeared before this committee on January 22 and testified that you were a member of the medical branch. I have her transcript.

Mr. NEUSOM. Could I have the book and page, counsel?

Mr. TAVENNER. No; it was an executive session.

Mr. MARSHALL. Is there any record of the executive session?

Mr. TAVENNER. Certainly there is.

Mr. MARSHALL. May we see it, Mr. Chairman?

Mr. WOOD. When it is made public, and we expect to make it public immediately after these hearings are ended.

Mr. MARSHALL. Is there a copy for us now? May we see it?

Mr. WOOD. You know that the testimony taken by a legislative committee in executive session is not open to public scrutiny, and why do you ask me such a question as that.

Mr. MARSHALL. Because you say you are going to publish it sometime.

Mr. WOOD. We are, but the committee has not released it. The reason for it is obvious.

Mr. MARSHALL. What is the reason?

Mr. WALTER. I would like to answer Mr. Marshall's question. The reason is that there are other names in the record that we could not confirm with members of the Communist Party, and so we are not going to release it until such time as those names can be deleted, because we do not want to injure any innocent person.

Mr. MARSHALL. Look at the——

Mr. WOOD. Let us not argue now.

Mr. MARSHALL. Look at the harm done in this situation.

Dr. PENNES. Why didn't you release it then?

Mr. WOOD. We are giving you an opportunity to tell us now whether or not it is true.

Dr. PENNES. I wanted that opportunity a year ago, if you had that information.

Mr. WOOD. That information was taken in public.

Dr. PENNES. Executive sessions; are those public?

Mr. WOOD. No, sir. The information that has been read to you by counsel here was public information.

Dr. PENNES. It is 1 year later.

Mr. WOOD. I am not arguing with you. You are being given an opportunity to answer the questions in the same forum of the people who testified.

Dr. PENNES. Will you repeat the question?

Mr. TAVENNER. Were you a member of the medical branch of the Communist Party in Los Angeles?

Dr. PENNES. Mr. Tavenner, in addition to the points previously stated as to why I refuse to answer questions such as that, I further refuse to answer this question on one additional point: That this committee has demonstrated to me and to the American people, by keeping such testimony, sitting on this testimony for 1 year while a man like myself, who took all of my life to build a professional practice, lost a very important hospital position, and you fellows sat on that for 1 year and now you ask me about it. I can't imagine anything of any greater duplicity, and I don't know how you can look me in the face and ask me a question.

Mr. WOOD. Do you want to deny it?

(The witness conferred with his counsel.)

Dr. PENNES. With respect to that question and similar questions, I have already made my position very clear.

Mr. WOOD. That is what I thought.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. PENNES. This is the same general question, and I therefore invoke all of the reasons previously stated, and one additional reason.

Mr. WOOD. Have you any further questions?

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. PENNES. That is essentially the same question asked in a little different way, and you do that repeatedly, thinking possibly that someone might answer it and then be led to a series of answers.

Mr. WOOD. How do you answer it?

Mr. TAVENNER. What is your answer?

Dr. PENNES. For the reasons that I have stated and quite fully, I refuse to answer that question on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Doctor, you have testified that on a Saturday somebody connected with St. Joseph Hospital called you and told you that you were no longer connected with that institution, is that correct?

Dr. PENNES. Not exactly, Mr. Walter. The Sister Superior who was the superintendent of St. Joseph Hospital called me Saturday morning at 10 o'clock, and this thing made the morning paper, and the testimony was given Friday afternoon, and it made the morning paper on Saturday, and it was just as stated: That there had been such—the

question was whether there had been an ASP meeting at my house, and she called me on the phone and said, "Doctor, in view of the unfavorable publicity that you have had, and that has made the press, and even though I hate to tell you this, you have been an excellent and outstanding radiologist for 71½ years, I think it would be much better to all concerned if you would please step aside and resign."

Mr. WALTER. Is it not a fact that the Sister called you and asked you whether or not there had been such a meeting as reported in the press, and you then told her that you did not care to discuss that matter with her; that it was a matter of your own personal business? Is that not what the conversation was?

Dr. PENNES. That was not the conversation.

Mr. WALTER. And then, after the Sister said that to you and you made the response that you did, she said, "Well, if that is your attitude, then we don't want you to be connected with this institution any longer." Now, is that not exactly what happened?

(The witness conferred with his counsel.)

Dr. PENNES. Mr. Walter, I would like to answer that.

Mr. WALTER. You can answer it "Yes" or "No."

Dr. PENNES. I will tell you what happened.

Mr. WOOD. Just answer whether that happened.

Dr. PENNES. That is not what happened, and what happened was that she said—

Mr. WALTER. You have already told us, and I am asking you, and you said, "No; that did not happen."

Dr. PENNES. That is not what happened.

Mr. WALTER. All right.

Mr. DOYLE. Doctor, the fact that the Associated Press carried the word that your name or your home had been mentioned in the press of course showed it was a public meeting, and that the American public had the information that it was an open meeting, and that your home was mentioned in a public session. It is well known, as our distinguished chairman has said for 4 years, ever since he has been chairman, there has been a standing offer through radio, through paid publications and their advertisements, and through newspaper releases, inviting any person who desired to get any word to this committee to either send it to us by telegraph or by letter or by personal call. We have had many people whose names were mentioned, or who were implicated in any such hearing, telegraph us and write us or ask for a chance to deny the statement, or correct the testimony.

Now, I want to ask you if you made any endeavor or if any attorney or any representative for you made any endeavor to contact this committee after this newspaper release? Did you make any effort or have anyone make an effort for you?

(The witness conferred with his counsel.)

Dr. PENNES. Mr. Doyle, for me to seek out this committee after a deliberate mention on the part of your counsel, Mr. Tavenner, to the extent that he even spelled my name out, would give to this committee the status which I sincerely believe it is not entitled to. I am not a friend of this committee because this committee I consider is an enemy of the United States.

Mr. DOYLE. Well, Doctor, of course you apparently held that opinion before your name was mentioned in the release a year ago, and

that is a satisfactory explanation to me as to why you did not make any endeavor to correct the testimony or to deny the truth of it.

Dr. PENNES. It was obvious from my previous testimony.

Mr. DOYLE. You were an enemy of this committee at that time, I take it from your answer.

Dr. PENNES. I have been an enemy since I have been a child.

Mr. DOYLE. I know you have. I can see that.

Dr. PENNES. This committee stands for American tyranny.

Mr. DOYLE. I can see you have been an enemy of what this Congress is trying to do.

Dr. PENNES. Not Congress, this committee. I uphold the Constitution, and you want to destroy it. You want to destroy the American Constitution, and I am here to defend it, and I am a physician, and I am not a lawyer, and I am a good American citizen, and I can prove it, and you are trying to rip down the Constitution.

Mr. WOOD. Just a moment. Will you please run down for a minute, just for one second. We are giving you the best opportunity on this earth to prove it.

Dr. PENNES. Thank you.

Mr. WOOD. You can prove it right now.

Dr. PENNES. Prove what?

Mr. WOOD. That you are a good, loyal, American citizen.

Dr. PENNES. My answers prove it and I will let the American people judge. One hundred years from now they will be reading this testimony, and this committee will go down in infamy in American history.

Mr. DOYLE. I understand now, Doctor, you have stated that you have been an enemy of this committee ever since you were a child, and I understand therefore your reasons today.

Now, in view of the fact that you said I was a superpatriot, may I just say to you that I have never claimed any such thing, and I am just an ordinary American citizen who happens to be trying to serve his country in Congress, and also I am very proud of the fact that I gave my son's life to defend this Nation's security.

Now, may I just ask you one question more, Doctor, if you can clear your mind of your hatred and animosity toward this committee, that you have had since you were a child, may I just ask you this one question, and in asking this, I am trying to be constructive, and I wrote down your language. It is so I would try to be constructive regardless of what you might think.

You said this: "There are lots of ways you can get information if you want it without the way this committee works."

Now, you remember saying substantially that?

Dr. PENNES. Yes, sir.

Mr. DOYLE. Your answer is "Yes"?

Dr. PENNES. Yes.

Mr. DOYLE. Now, the information we are seeking, as you know, is what manner and to what extent the Communist Party in America is functioning at this time, and we had thought that the only way to get that, or the best way to get that, would be to ask members of the Communist Party.

Now, is there some better way? We are challenged under Public Law 601 to look into the propaganda of those persons who in the judgment of Congress represented by this committee were carrying

on subversive propaganda and activities. Now, we are here in that capacity, whether you believe it or not. I certainly am here in that capacity, and no other greater or lesser capacity, in my own personal capacity on the committee and a Member of Congress.

You have volunteered that there are lots of ways we can get that information, which the United States Congress has asked us to get. How shall we get it, other than from citizens whom we have information are members of the Communist Party? How shall we get it?

Dr. PENNES. I would like to answer that question.

Mr. DOYLE. Now, I am trying to be constructive.

Dr. PENNES. And I will be constructive, too.

Mr. DOYLE. Thank you.

Dr. PENNES. When I received my subpoena which was delivered to me by Mr. McKillips, Mr. McKillips put his phone number on the back of that subpoena, and he said to me, "If you have any information to give, please call this number," and I personally considered it, I was shocked that he should say so naturally, but if I had any information to give Mr. McKillips, I would have called Mr. McKillips and given that information. But when you take reputable citizens and drag them up here against their will, expose them to public censure, and pillory them, when you know they are not going to say anything, and you are not interested in their testimony, you are interested in making them unemployable and blacklisting them.

Mr. DOYLE. Please, now, listen—

Dr. PENNES. Why do you want to expose them and hurt them?

Mr. DOYLE. Listen, I tried to be constructive, and I asked you a constructive question.

Dr. PENNES. I am trying to answer it constructively, and I feel very emotional about this.

Mr. DOYLE. Please do not spill over your hate of this committee, and I am asking you to be fair and constructive.

Dr. PENNES. You can't force information out of people that don't want to give it. That is my fundamental point.

Mr. DOYLE. But, Doctor, you see in many, many cases as a result of these subpoenas, and the voluntary offer of Mr. McKillips to you, "If you have any information, call this number," that was a good faith offer by the representative of our committee that if you had any information to give it to us, and you did not have to come here in this public session this way. We gave you an opportunity to cooperate in accordance with Public Law 601. Now, that is one way.

Dr. PENNES. Can I answer that? Can I have 30 seconds?

Mr. DOYLE. It is—I withdraw that.

Dr. PENNES. Just one sentence, and I won't yell.

Mr. WOOD. Just a moment. He is talking now. Your proposal not to yell is very gratifying to the committee.

Mr. DOYLE. Let us be constructive again, and you have given me one answer. You said there are lots of ways and now give me another suggestion, will you?

Dr. PENNES. I will give you the other suggestion.

Mr. DOYLE. Now, the way we can get information.

Dr. PENNES. I will give you the other suggestion.

Mr. DOYLE. The way we can get information as to what the Communist Party is doing.

Dr. PENNES. The first thing that has to be decided, Mr. Doyle, is that you cannot force people to testify unless you degrade them, and you force them into doing things which they honestly don't want to do. It is not fair to make a man come up here and testify because his wife might lose her job, and that is pressure, and if I were to cooperate, I would not stand up here and destroy 40 families so that the man can't earn a living.

Mr. DOYLE. Listen, now. That is argumentative again, and I have asked you in good faith to tell the committee in public session, you volunteered the statement, and you have admitted that you said it, and you verified my language, there are lots of ways you can get the information. Now, tell me a way we can get it.

Dr. PENNES. You call me and you say, "Dr. Pennes, do you have any information that would be of any use to this committee?"

Mr. WOOD. That is what we are doing now.

Dr. PENNES. You say that privately to me, and I say to you, "Mr. Doyle, I am not interested in cooperating with this committee privately." I say that to you privately and I invoke my privileges under the Constitution, and then you should let me alone and not drag me up here to public view and ridicule. I am an American citizen and I stand on my rights, and you can't force me to testify against my will. That is what you are trying to do.

Mr. WOOD. No, we do not tell any person to testify against their conscientious declaration of right.

Dr. PENNES. Why do they lose their jobs? Answer that question.

Mr. DOYLE. Let me say this to you. We are interested in getting information for remedial legislation, and the last section of Public Law 601 contains a clause which charges us with getting information on all questions with relation to the subject of subversive and un-American propaganda and report that to Congress.

Now, you in your criticism of this committee, and I want to be perfectly fair in this statement and renew my offer to you, and I will renew this offer to the whole public, I am sure the committee would back me in it, you have volunteered the statement that there are lots of ways in which we can get the information the United States Congress has put upon our shoulders to get.

Now, tell me one. You said that there are lots of ways.

Dr. PENNES. I will tell you.

(The witness conferred with his counsel.)

Mr. WOOD. Will you have the witness answer the question or make the request, please? Counsel may not interfere with the hearings.

Dr. PENNES. I will answer that question.

Mr. DOYLE. All right.

Dr. PENNES. If you think I don't question Public Law 601, if it is truly interpreted, that is in its true sense, and you are seeking for information. If you are seeking for information, you look for it where you think that you can find it.

Mr. DOYLE. That is right.

Dr. PENNES. But you do not take the tack of forcing people to give it. You can write them a letter and say, "You are invited to come down on such-and-such a place, and this is a highly confidential communication." You say to a person, "We have reason to believe you may have information. Would you please come down and talk to us? If you don't come down, we will understand by that that you

are not willing to cooperate." But you don't. You issue a subpoena, put their name all over the newspaper, and makes them lose their jobs, and have them come in here and say, "Now, look, you give us this information, and you don't have to, but if you don't give it you are not going to work tomorrow."

Mr. DOYLE. Then your point is this: You are suggesting, reduced to an analysis, that we should invite those people whom we have reason to believe are members of the Communist Party to come and tell us what they know, and if they refuse, then forget it. Now, that is what you are telling me.

Dr. PENNES. What else can you do?

Mr. DOYLE. Under the last section of this Public Law 601, it says:

For the purpose of any such investigation, the Committee on Un-American Activities or any subcommittee thereof is authorized to hold hearings, to require the attendance of witnesses, and the production of such books, papers, and documents and to take such testimony, subpoenas may be issued under the signature of the chairman or by members designated by any such chairman, subchairman, and may be served by any person designated.

Now, have you any other way that we can get the information? You have given us one suggestion, voluntary cooperation by people known by us or believed by us to be Communists, and now that is one way and what other way?

Dr. PENNES. Well, first of all, the wording there is "may be issued," and they don't have to be issued.

Mr. DOYLE. May I ask one question once more, Mr. Chairman?

Mr. WOOD. I am not going to let that statement go unchallenged. I know nothing about his economic conditions but if what he says here is true, it is not this committee that has cut his income off; it is him. We are giving you an opportunity now to restore it, if indeed you have lost it, by simply telling us the truth.

Dr. PENNES. By becoming an informer.

Mr. WOOD. Well, if you want to put it that way, yes.

Dr. PENNES. I would not become an informer if you cut off the other two-thirds of my income, or all of it.

Mr. WOOD. If you want to say that telling the truth is being an informer, I will let you put it that way.

Dr. PENNES. I am against informers, and I am a Jew and the Jewish people are traditionally against informers. They isolate them and they don't even associate with them and they don't talk to them in the street, and when they die they don't even bury them in the same cemetery. Do you know what we think about informers? They are not fit to associate with human beings. They destroy the life of the husband and the wife and the children.

Mr. WOOD. I thought you were not going to yell any more.

Dr. PENNES. I saw blood on this table yesterday. Forty families were destroyed yesterday, Mr. Wood. Do you realize what that means? Those men are not working now. How are they going to feed their children, and that bothers me, and I will take care of myself, and I am worried about those other people.

Mr. WOOD. It does not bother me nearly as much as the thousands and hundreds of thousands of good loyal citizens that are languishing in concentration camps maintained by the very ideology that you are here representing.

Dr. PENNES. Are you accusing me, Mr. Wood?

Mr. WOOD. I am accusing you of being a Communist. Is that true or not?

Dr. PENNES. This is not a legislative fact-finding committee. You are accusing, and you convict, and you punish.

Mr. WOODS. Is that true or not?

Dr. PENNES. I made my answers very clear before, and you have made your position very obvious, too, to the American people, and I ask that no photographs be taken during my testimony, and I meant it.

Mr. DOYLE. Now, Doctor, listen, please.

Dr. PENNES. I wish that you were blacklisted.

Mr. MARSHALL. I ask that the man with the cigar, the spectator, be removed, and the faces he is making at this witness are obvious.

Dr. PENNES. I appreciate your questions and I appreciate your sincerity, and I would like to add that I really sympathize with you about the loss of your son.

Mr. DOYLE. No doubt.

Dr. PENNES. But the only thing I can say, if you really feel the way you mean, I would suggest that you resign from this committee.

Mr. DOYLE. Doctor, may I suggest this in good faith?

Mr. WOOD. Do you know anybody in the audience that started that demonstration. If you do, get them out of here.

Mr. DOYLE. May I say this, and then I will not take any of your time or strength, and I say it with utmost frankness. Without criticizing you, may I say or just give you this suggestion. You have made a suggestion to me, as an American citizen, and now I am making a suggestion to you as an American citizen, and having the heritage of a great race in your blood. If you are a Communist—and now wait a minute, I did not interrupt you, and I am not going to argue with you—but if you are a Communist, for God's sake get out of it. Now, that is all.

Mr. WOOD. Doctor, are you a member of the California Medical Association?

Dr. PENNES. I would like this opportunity to tell what membership I have.

Mr. WOOD. I just want you to answer the question.

Dr. PENNES. I am a member of the Los Angeles County Medical Society, the California Medical Association.

Mr. WOOD. That is all I asked you.

Dr. PENNES. Yes, sir.

Mr. WOOD. You are a member of the California Medical Association.

Dr. PENNES. I am.

Mr. WOOD. According to the newspaper releases—

Dr. PENNES. Is this for my benefit? I read it this morning in the paper.

Mr. WOOD. I just want to ask you if you subscribe to it.

Dr. PENNES. Mr. Allison, who wrote that, I didn't vote for Mr. Allison.

Mr. WOOD. Do you subscribe to the statements set forth here?

Mr. PENNES. I don't agree with the position because the California—

Mr. WOOD. You are excused from further attendance on the committee.

(The witness was excused.)

Mr. TAVENNER. Dr. Joseph Hittelman.

Mr. WOOD. Will you raise your right hand and be sworn, please. You solemnly swear that the evidence you shall give this subcommittee will be the truth, the whole truth, and nothing but the truth. so help you God?

Dr. HITTELMAN. I do.

TESTIMONY OF DR. JOSEPH HITTELMAN, ACCOMPANIED BY HIS COUNSEL, DANIEL G. MARSHALL, THOMAS G. NEUSON, AND ROBERT W. KENNY

Mr. TAVENNER. What is your name, please, sir?

Dr. HITTELMAN. Joseph H-i-t-t-e-l-m-a-n. Please get the spelling correct. It is of some importance.

Mr. TAVENNER. May the record show that the witness is represented by the same counsel.

Mr. KENNY. That is correct.

Mr. TAVENNER. Have you also used the name Jack Martin?

(The witness conferred with his counsel.)

Dr. HITTELMAN. I don't understand the question, but I guess I had better refuse to answer. In what connection? I don't know what you are talking about.

Mr. TAVENNER. In any connection.

Dr. HITTELMAN. A different name?

Mr. TAVENNER. Have you in the past used the name Jack Martin?

Dr. HITTELMAN. I don't know. When I was a kid I was called Four Eyes, and I have been called Doc, and I probably have been called God and the devil both by my patients, but I don't know.

(The witness conferred with his counsel.)

Mr. WOOD. Was your question addressed to what he was called or what he used?

Mr. TAVENNER. Or what he had used.

(The witness conferred with his counsel.)

Dr. HITTELMAN. Can't you be more specific? In what connection, when or where, as an actor in a play possibly, or in an amateur performance in high school, and I don't know.

Mr. TAVENNER. If you used that name in such a play, why, maybe you would remember it.

Dr. HITTELMAN. I am 42 years old, and that is a long time.

Mr. TAVENNER. Have you used it in the Communist Party?

Dr. HITTELMAN. Have I what?

Mr. TAVENNER. The name Jack Martin.

Dr. HITTELMAN. In the Communist Party?

Mr. TAVENNER. Yes, sir.

Dr. HITTELMAN. I refuse to answer that question and I would like to state my reasons, if I may. To answer that question either way, it seems to me, is like asking me when did I stop beating my wife and if I answer I haven't, it means I am still beating her.

Mr. WOOD. You were not asked if you stopped being a member of the Communist Party. You were asked if you used that name.

Dr. HITTELMAN. I have heard it asked in different ways, have you stopped beating your wife, do you beat your wife, and both ways anyway you answer it, it seems to me that it does not come out right anyway. At any rate, I think that that question is an invasion of my rights to think as I please, to talk as I please, and as a matter of

fact, I think it goes further than that. I think it invades my province as a physician. I have been advertised and billed, I have gotten top billing in coming here today as a physician, and not as an ordinary American citizen calls, the advertising has all been physicians, and so I am here as a physician. I think that invades and violates certain of my rights. I think it violates the relationship between patient and physician. It may look farfetched to you, and you may say, "Well, how can it, how can it invade the relationship between patient and physician," and well, things don't just happen like that. It does not happen like 1 minute there is an attorney standing here objecting, and the next minute he is out in the hall.

Mr. WOOD. You are getting a little bit argumentative there, Doctor.

Dr. HITTELMAN. I am trying to explain how this question is an invasion.

Mr. WOOD. You have said in your opinion it was, and that ought to be enough.

Dr. HITTELMAN. It destroys the confidence between patient and physician. It puts me in a position, if I talk, if I say anything about my personal beliefs, and if I tattle about myself I am certainly not going to hide any information about my patients' ills.

Mr. WOOD. Please give your reasons and not arguments.

Dr. HITTELMAN. My reasons, firstly, is that it is an invasion of the relationship between patients and physician, and secondly it is an infringement on my duties as a physician, and toward the community, and I have a responsibility toward the community. If I cannot speak up frankly and if I cannot keep quiet when I want, then I no longer have freedom. I cannot criticize the American Medical Association for being a political arm of the Republican Party, for example.

Mr. WOOD. Well, you are arguing now.

Dr. HITTELMAN. I am giving you an example of the way——

Mr. WOOD. Just give reasons and leave off the examples, please, sir, and let us get along.

Dr. HITTELMAN. Some of these may seem farfetched to you. It destroys my right and my duty toward my community as a physician. It also affects me in other ways, in the professional relationship. I have a social obligation to the community and to carry that out I must be free to express myself and free to criticize and I must be free to speak as I will, and I will not give up that right to this thought-control committee.

Mr. WOOD. That is argumentative.

Dr. HITTELMAN. Very well. May I go on, then?

Mr. WOOD. You may.

Dr. HITTELMAN. My second reason is that I feel this is in general an abridgement of my rights under the first amendment to the Constitution of the United States, because it invades a province of my own personal privacy. When I first went into medical school, the first day, I was presented with a box of bones and a skull and lo and behold, the skull had a hinge on top, and I could unhinge it and look inside. My skull does not have a hinge on top, and nobody is going to look inside my skull.

Mr. WOOD. Now, Doctor, you are arguing now, and state your reasons and let us get along.

Dr. HITTELMAN. I am trying to state my reasons under the first amendment to the Constitution. Furthermore, if I am not allowed

the right to speak and think as I please, I may have to still go back to treating malignant diseases with aspirins and I don't think it is right.

Mr. WOOD. You know that is purely argumentative.

Dr. HITTELMAN. It may be argumentative today, but a year from now it may not be argumentative. It may be a fact. So under the first amendment to the Constitution, trying to destroy my right to think—

Mr. WOOD. We know what the first amendment is, and now let us get along.

Dr. HITTELMAN. We will go on to the fifth amendment.

Mr. WOOD. Do you claim the privileges under the fifth amendment?

Dr. HITTELMAN. I haven't yet.

Mr. WOOD. Are you going to? We know what it is.

Dr. HITTELMAN. Won't you let me do it if I want to?

Mr. WOOD. That is what I am asking you.

Dr. HITTELMAN. I still don't want to be put in the position of the wife-beating question, and let me answer it in my own way, please. I take my stand on the fifth amendment, that I do not have to answer these questions because they are an infringement of my rights under that amendment. In addition, I also add that I refuse to answer that question on the grounds of the ninth and tenth amendments and I think we know now exactly what the ninth and tenth amendments are also. Those are the reasons why I refuse to answer any such questions before this thought-control committee.

Mr. TAVENNER. I think the record should show that the witness is represented by the same counsel.

Mr. WOOD. It does. They are in the record.

Mr. TAVENNER. Doctor, when and where were you born?

Dr. HITTELMAN. I was born in the home of the Eastman Kodak Co., which seems to be making quite a harvest out of the film being thrown around here. I mean Rochester, N. Y.

Mr. TAVENNER. Do you think that that is material to the question? Please confine yourself—

Dr. HITTELMAN. I believe it gets a point over which should be gotten over.

Mr. TAVENNER. Please confine yourself to answering of my questions.

Dr. HITTELMAN. I have waited a long time to answer these questions.

Mr. TAVENNER. What was the date of your birth?

Dr. HITTELMAN. Of my what?

Mr. TAVENNER. The date of your birth.

Dr. HITTELMAN. December 25, 1910.

Mr. TAVENNER. Are you a resident of Los Angeles?

Dr. HITTELMAN. I am.

Mr. TAVENNER. How long have you been a resident?

Dr. HITTELMAN. I came to Los Angeles in 1920, that is 32 years, with a little—

Mr. TAVENNER. Have you been practicing in Los Angeles since that time?

Dr. HITTELMAN. Yes.

Mr. TAVENNER. Over what period of time have you practiced in Los Angeles?

Dr. HITTELMAN. I didn't start to practice until I got out of medical school.

Mr. TAVENNER. I assumed that. When was that?

Dr. HITTELMAN. I don't like the assumption. I think I have a right, like everybody else.

Mr. TAVENNER. I say when did you begin the practice of medicine in Los Angeles?

Dr. HITTELMAN. In 1937.

Mr. TAVENNER. What has been your scholastic training for the practice of your profession?

Dr. HITTELMAN. Well, I went through the public schools in Los Angeles, and then I went to a great and wonderful university which only recently has been subjected to a terrible decisive action endangered by the atmosphere created by this committee, and I refer specifically to the University of California.

Mr. TAVENNER. Now, that is not in answer to my question, and would you please confine yourself?

Dr. HITTELMAN. The name of the university is the University of California at Los Angeles, where I received my premedical training, and the University of California at Berkeley, where I received my B. A. degree, and the University of California Medical School in Berkeley and San Francisco, where I received my M. D. degree, and a great university which I trust will never become a pygmy institution.

Mr. WOOD. We did not ask you about your desires. We want to know where you went to school.

Dr. HITTELMAN. That is where I went to school, and that is not the sum total, however, of my medical training.

Mr. TAVENNER. I think that identifies you as a member of the profession and as having substantial preparation for it.

Dr. HITTELMAN. I have had a lot more preparation than that; and if the committee is interested, I would be glad to give you that information.

Mr. TAVENNER. I think your statement is adequate. It is for my purposes.

During the course of the hearings by this committee, testimony has been received from Dr. Light that you were also a member of a medical branch of the Communist Party in Los Angeles of which she was also a member and which was confined to membership to members of the medical profession. I would like for you to state whether or not you were a member of that group; and if so, then I desire to ask you what you know of its formation and its purposes and its activities.

(The witness conferred with his counsel.)

Dr. HITTELMAN. Well, this alleged witness or stoolpigeon has been mentioned here before, and I refuse to answer any questions in connection with that testimony on the grounds previously stated.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. HITTELMAN. I forget how many ways I outlined of asking the wife-beating question, and are you going through those ways?

Mr. WOOD. He has asked you a question.

Mr. TAVENNER. Just answer the question.

Dr. HITTELMAN. May I ask counsel, is that a different question, Counsel?

Mr. KENNY. I think you had better give the same grounds for refusing.

Dr. HITTLEMAN. I refuse to answer that question on the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. HITTELMAN. That again appears to me—

Mr. KENNY. There is a microscopic difference.

Dr. HITTELMAN. The counsel which you have so much flattered here today advises me that this is also a different question, and so I will give the same answer for the same reason.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. I have no questions.

Mr. JACKSON. I have no questions.

Mr. WOOD. Is there any reason why the witness should not be excused?

(The witness was excused.)

Mr. WOOD. The committee will stand in recess for 15 minutes.

(A short recess was taken.)

Mr. WOOD. The subcommittee will be in order.

(Those present following the short recess: Representatives John S. Wood, Francis E. Walter, Clyde Doyle, Harold H. Velde, and Donald L. Jackson.)

Mr. WOOD. Who will you call next, Mr. Counsel?

Mr. TAVENNER. Dr. Simson Marcus.

Mr. WOOD. Will you raise your right hand. You solemnly swear the evidence you shall give this subcommittee will be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. MARCUS. I do. May I ask no pictures be taken while I give my testimony?

Mr. WOOD. That will be done.

TESTIMONY OF DR. SIMSON MARCUS, ACCOMPANIED BY HIS COUNSEL, DANIEL G. MARSHALL, ROBERT W. KENNY, AND THOMAS G. NEUSOM

Mr. TAVENNER. What is your name, please, sir.

Dr. MARCUS. Simson Marcus, M. D.

Mr. TAVENNER. Will you spell your name?

Dr. MARCUS. S-i-m-s-o-n M-a-r-c-u-s, M. D.

Mr. TAVENNER. I believe you are represented by the same counsel as the preceding witness. May the record so show.

Dr. MARCUS. That is correct.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. MARCUS. I was born in the city of Oakland, Calif., August 1, 1909.

Mr. TAVENNER. Do you now reside in Los Angeles?

Dr. MARCUS. I have resided in Los Angeles all of my life since about the age of 6 months, except for the time I was in military service.

Mr. TAVENNER. How long were you in military service?

Dr. MARCUS. From October 1942 to May of 1946. Part of that time, 2 years and a little more, I was overseas in the Pacific theater.

Mr. TAVENNER. What is your profession?

Dr. MARCUS. I am a physician surgeon. I am a general practitioner.

Mr. TAVENNER. How long have you practiced in Los Angeles?

Dr. MARCUS. I graduated from medical school in 1934, practiced in San Francisco County for about a year, and then since that time I have practiced in the city of Los Angeles with the exception of the time I was in service.

Mr. TAVENNER. What has been your scholastic training for your profession?

Dr. MARCUS. I took my schooling in the city of Santa Monica, Calif., which I believe is part of Los Angeles County, and I went to the University of California at Los Angeles, and the University of California, and the University of California Medical School, where at no time was I ever taught that there was any relationship between a physician and his political opinions or associations.

Mr. TAVENNER. Well, Doctor, regardless of what you may have been taught on that subject, do you know whether or not there exists in Los Angeles a Communist Party cell the membership of which is confined solely to members of the medical profession?

Dr. MARCUS. The organization to which you refer is one of several hundred organizations which are listed as subversive. I believe they were listed so by a former Attorney General, a Mr. McGrath, who today is thoroughly discredited, dismissed from his job, ruled incompetent, and now stands under suspicion himself of having performed acts while in office—

Mr. TAVENNER. Your answer is not responsive to my question.

Dr. MARCUS. I will answer that question. I just wanted to bring the background of where this came from.

Mr. Wood. Please do.

Dr. MARCUS. I wanted to give the committee the background of the list that it is using.

Mr. Wood. We are interested in the facts.

Mr. TAVENNER. You are even mistaken as to the name of the Attorney General of the United States. It was Mr. Biddle, wasn't it?

Dr. MARCUS. I am not an attorney. One of my attorney colleagues, friends, I will say, gave me that information. At any rate, there are attorney generals, too, that make mistakes, as we now see.

Mr. TAVENNER. Are you of the opinion that it was a mistake to judge the Communist Party subversive?

Dr. MARCUS. I have said that that organization is on that list, and because it is on that list and this committee—

Mr. TAVENNER. That is not an answer to my question.

Dr. MARCUS. I shall refuse to answer any questions concerning organizations on that list for the following reasons. I am going to give you the reasons which you have heard here many times before this week, which I have heard expounded by very able colleagues of mine and very able members of the bar.

Mr. Wood. Doctor, will you please make your answers conform to the facts and not arguments?

Dr. MARCUS. I do not believe, as has been stated here many times before, that this committee has a right to pry either into my beliefs, whether on political or other questions, or my associations, whether medical or political, and I therefore, on the basis of the first amendment, will not answer that or similar questions.

No. 2: I am going to exercise my privilege under the Constitution, under the Bill of Rights, a Bill of Rights which, as pointed out before several times, was derived from a struggle which started in England.

Mr. WOOD. Please spare us a dissertation on that. We are familiar with it.

Mr. WALTER. We probably know more about it than you do.

Dr. MARCUS. I hope you do, but I wish I could see more evidence of it. However, I will say briefly that I am exercising my privilege under the Fifth Amendment, not to answer that question or any question pertaining to organizations or individuals acceptable to this committee.

Mr. DOYLE. Do you not exercise your rights under the first amendment, too?

Dr. MARCUS. I have already done so, and the ninth and tenth.

Mr. TAVENNER. May I suggest, Mr. Chairman, if those are the only grounds upon which he relies, he be directed to answer the question.

Dr. MARCUS. I said the fifth amendment. I was very clear, I hope, in saying the fifth amendment.

Mr. TAVENNER. If he is relying on the fifth amendment, I withdraw my request.

Were you a member of the medical branch of the Communist Party in Los Angeles?

Dr. MARCUS. I shall again refuse to answer that question and I will specifically state the fifth amendment first.

Mr. WOOD. There is no need to state them again, if they are the same grounds.

Dr. MARCUS. I am not a lawyer. I believe that it serves my interests best to make it clear that I want the fifth amendment to be on record as I say before, and it is one of the most valuable amendments in the constitutional amendments.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. MARCUS. I will give you the same answer.

Mr. TAVENNER. On the same grounds?

Dr. MARCUS. On the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. MARCUS. Again the same answer, and on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Mr. Walter, do you have any questions?

Mr. WALTER. I have no questions.

Mr. WOOD. Doctor, are you a member of the California Medical Association?

Dr. MARCUS. I am, although I disagree with many of its policies.

Mr. WOOD. In the time you took membership in that organization, have you ever held an official position in the organization?

Dr. MARCUS. I happen to be a very strong advocate of a Federal health-insurance program, and for that reason alone it is inconceivable that I would ever be elected under the present administration of that organization.

Mr. WOOD. I did not ask you that. I asked you if you held an official position in the organization.

Dr. MARCUS. I am explaining why.

Mr. WOOD. I did not ask you why. I asked you if you were.

Dr. MARCUS. The answer is "No."

Mr. WOOD. All right. Did you read this statement that was released in the Los Angeles Times on yesterday by Dr. L. A. Alesen, the association president of that association?

Dr. MARCUS. I would like to answer that question.

Mr. WOOD. I am just asking you if you read it.

Dr. MARCUS. I have to preface my remarks, and I don't want to appear as illiterate. I am a person who reads the papers. With all respect to the members of the press here assembled who I am sure did what they considered a fair job, when their stories got back to the city editor's desk, they so garbled the reports of what happened in this room that I just took the rest of the papers and threw them where they belonged, in the incinerator, and I have not read any statement from the Medical Association.

Mr. WOOD. Your evidence is that you did not read it, is that right?

Dr. MARCUS. Correct.

Mr. WOOD. Well, I want to read it now, for the purpose of not only making you acquainted with its terms, but also for the benefit of the record.

Dr. MARCUS. I read a similar statement last time this committee met, and if you want to save yourself the time just spare me. I can imagine just what it says. It is wholly in support of the committee.

Mr. WOOD. Just let it speak for itself.

Dr. MARCUS. Isn't it already in the record?

Mr. WOOD. No, sir.

Dr. MARCUS. Put it in. Go ahead.

Mr. WOOD. (reading):

Physicians who refuse to co-operate with the House Un-American Activities Committee do so as individuals and do not represent the "overwhelming majority" of doctors in the State, the California Medical Association pointed out today.

"It has long been the policy of the California Medical Association's officers and employees to take an oath of allegiance and to state in writing that they have not been associated with any subversive group at any time," said Dr. L. A. Alesen, association president.

"Since this is our accepted policy, we are in hearty accord with the objectives of the duly constituted and authorized congressional committee in seeking out and exposing those who, by any means, would give aid and comfort to enemies of America."

Dr. MARCUS. May I take a minute of your time?

Mr. WOOD. I just want to ask one question based on that statement. Do you find yourself in accord with the sentiments expressed in that statement?

(The witness conferred with his counsel.)

Dr. MARCUS. It is my right and the right of every American to state his opinions when and where he chooses. This is one time when I will be very happy to express my opinion before this committee.

Mr. WOOD. Confining it, of course, to the question.

Dr. MARCUS. Confining it to the question. There is reference to this question, to a loyalty oath. When I went into the service of the United States Government during my military career, I took an oath

at that time to uphold and defend the Constitution, and I don't remember all of the things. At that time it was not necessary for me, and I was being called on then to possibly give my life, as I saw many other men give their lives in the Pacific, and don't kid yourself, you talk about atom bombs and so forth, it is hell, it is not a joke. It is not a joke, it is not a game like they are playing with civil defense today. At any rate I was called on to take that oath, and I took it gladly because I have always defended and supported the Constitution and always will. I am going to use a word you can strike from the record, but I will be — if I will ever take an oath which asks me to what organizations I belong or will belong, because that, too, is part of the privilege of being an American. Will you read that last part? Oh, yes, I remember now. There was a reference to the committee.

I don't want to be repetitious, a lot of men have preceded me that have given very able opinions of theirs regarding this committee. One man went so far as to wish that Mr. Doyle would resign from this committee. I feel too that he should. I have seen members of this committee walk out on him when he starts to ask questions and not come back. So evidently not everybody has the same regard for members of this committee as they have for themselves.

Mr. WOOD. I did not ask you to deflect on the committee. I just asked you if you had read this statement.

Dr. MARCUS. Let the record of Dr. Pennes, and every attorney who stood here and every one of my colleagues that attacked this committee not as men, not as Americans, but for the committee—perhaps they do wonderful work in Congress, and maybe they have wonderful records in Congress, I know that some of the men don't have such wonderful records. But let us assume that they do. They are wonderful persons, and yet the existence of this committee, I think one of the members of this committee expressed as an aside to himself, probably, he should have had his head examined before he served on this committee—the very—

Mr. WOOD. Do not speculate.

Dr. MARCUS. I overheard it. I am not speculating. I don't want to go into too much detail.

Mr. WOOD. Answer the question. Do you agree with the sentiments expressed here?

Dr. MARCUS. I think I can say "No," because the two parts of it to which it refers I have discussed.

Mr. WOOD. That is all so far as I am concerned. Any reason why the witness should not be excused from further attendance on the committee?

Mr. TAVENNER. Yes. I have another question to ask him.

Are you now a member of the Communist Party?

Dr. MARCUS. Well, of course I haven't—

Mr. TAVENNER. It has been so long that I did not know.

Dr. MARCUS. I was not aware that I was taking so much of your valuable time.

Mr. WOOD. Let us not take any more of it, please, sir.

Dr. MARCUS. May I make a statement? It has been called to the attention of this committee that it has been very unfair to doctors

and their patients to come here for 2 days and we had to cancel—

Mr. WOOD. In that connection, I see a bunch of them here that testified yesterday that were raising sand.

Dr. MARCUS. Some of these men canceled their appointments for 2 or 3 days anticipating this very sort of thing and so do I.

Mr. DOYLE. They could get back and send word they are back in their offices, and their patients could come in, instead of sitting here for 2 days after they have testified.

Dr. MARCUS. Could I answer that? Contrary to what some of the people might think, since my name was first mentioned in this paper, regarding this committee, a year or so ago, my practice has increased terrifically, and if I am permitted to stay on the staff of hospitals and not be expelled as happened to other doctors whose names have been mentioned before the committee, it will grow more, and I have had expressions of confidence from some of the leading men in this community, including men who are members of the bar, and who have served as judges in this community.

Mr. WOOD. I am not going to permit you to take up the time of this committee to make an advertising talk here. Let us eliminate it all, then. Just a moment, sir.

Are there any further questions?

Mr. TAVENNER. No, sir.

Mr. WOOD. Is there any reason why the witness should not be excused from further attendance on the committee? It is so ordered.

(The witness was excused.)

Mr. TAVENNER. Dr. Morris Feder.

Mr. WOOD. Will you raise your right hand and be sworn? You solemnly swear the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. FEDER. I do.

Mr. WOOD. Have a seat, please, sir.

TESTIMONY OF DR. MORRIS R. FEDER, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, DANIEL G. MARSHALL, AND THOMAS G. NEUSOM

Mr. TAVENNER. What is your name, please, sir?

Mr. WOOD. You have the same counsel that represents this witness as the one previously.

Mr. TAVENNER. What is your name, please, sir?

Dr. FEDER. Morris R. Feder, F-e-d-e-r.

Mr. TAVENNER. When and where were you born?

Dr. FEDER. In Minneapolis, Minn., October 6, 1910.

Mr. TAVENNER. Do you now reside in Los Angeles?

Dr. FEDER. I do.

Mr. TAVENNER. How long have you lived here?

Dr. FEDER. Thirty years.

Mr. TAVENNER. What was the answer?

Dr. FEDER. Thirty years.

Mr. TAVENNER. What is your profession?

Dr. FEDER. Physician.

MR. TAVENNER. How long have you practiced your profession in Los Angeles?

DR. FEDER. Fifteen years, except for military service.

MR. TAVENNER. How long were you in military service?

DR. FEDER. Over 3 years.

MR. TAVENNER. Will you state briefly what your scholastic training has been for your profession?

DR. FEDER. Premedical and medical training in local universities, postgraduate training at some other universities.

MR. TAVENNER. Doctor, I would like to ask you if you have at any time been a member of the medical branch of the Communist Party of Los Angeles, a group of the Communist Party which testimony has shown was made up exclusively of members of the medical profession, and if you were, I desire to ask you further regarding your knowledge of the formation and its purposes.

DR. FEDER. Mr. Tavenner, I most emphatically decline to answer such a question or any similar questions or derivative questions for these reasons. First, I will never, and I mean never, cooperate with this committee or similar constituted bodies, and their assault on the American right of freedom of speech, thought, and association.

Secondly, I decline accepting the privilege of the fifth amendment of the Constitution, which, Mr. Tavenner, was in the Constitution before I was born and before this committee was constituted, and it was placed there by honorable and decent men who were confronted with the same type of assault upon their liberties that I am being subjected to today.

MR. TAVENNER. Are you a member of the Communist Party?

DR. FEDER. I decline to answer that for the same reason.

MR. TAVENNER. Have you ever been a member of the Communist Party?

DR. FEDER. I decline to answer for the same reason.

MR. TAVENNER. I have no further questions.

MR. WOOD. Any reason why this witness should not be excused from further attendance?

MR. TAVENNER. No, sir.

(The witness was excused.)

MR. WOOD. The committee will stand in recess until 1:45.

(Thereupon a recess was taken at 12:15 p. m., until 1:45 p. m., the same day.)

AFTERNOON SESSION

(The subcommittee reconvened, pursuant to recess, at 1:50 p. m.)

MR. WOOD. Let us have order, please.

Counsel, are you ready to proceed?

MR. TAVENNER. Yes, sir. I will call Dr. Edward Goodlaw.

MR. WOOD. Will you raise your right hand and be sworn.

DR. GOODLAW. May I request that the pictures be taken now?

MR. WOOD. Do you solemnly swear that the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

DR. GOODLAW. I do.

TESTIMONY OF EDWIN ISIAH GOODLAW, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. WOOD. I understand that you request that you not be interrupted by photographers during your testimony.

Dr. GOODLAW. Yes, sir. May I make another request, sir, that I have a little greater physical distance from this force and violence Congressman here, so that we prevent the force and violence that he has exhibited.

Mr. JACKSON. I might say that that will meet with my approval entirely.

Dr. GOODLAW. I am glad we concur on preventing force and violence, Congressman, and I hope that there——

Mr. WOOD. Are you making a threat to this committee?

Dr. GOODLAW. Oh, no.

Mr. WOOD. Well, have a seat, please.

Dr. GOODLAW. I just want to be sure. I have a paper here that quotes the fact that you held him back from hitting one of the witnesses.

Mr. WOOD. Somebody is leaning on their imagination, there is nobody belligerent here.

Mr. TAVENNER. What is your name, please, sir?

Dr. GOODLAW. Edward Isiah Goodlaw. I come from a long line of fighters for peace.

Mr. WOOD. Never mind that. Just answer the question.

Dr. GOODLAW. My name is after the prophet of peace, to be reminded——

Mr. WOOD. You came here with a chip on your shoulder and we are going to ask as patiently as we can that you answer the questions that are asked of you.

Mr. TAVENNER. Will you spell your name, please, sir?

Dr. GOODLAW. E-d-w-a-r-d I-s-i-a-h G-o-o-d-l-a-w.

Mr. TAVENNER. I assume you are represented by the same counsel as represented the former witnesses?

Dr. GOODLAW. I am.

Mr. TAVENNER. Will you state when and where you were born, please, sir?

Dr. GOODLAW. I was born in Denver, Colo. I would have said with pride, as Sam Houston did.

Mr. TAVENNER. Mr. Chairman, the witness has answered the question.

Dr. GOODLAW. January 4, 1913.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Dr. GOODLAW. I am.

Mr. TAVENNER. How long have you lived in Los Angeles?

Dr. GOODLAW. Off and on since about 1922 or 1923.

Mr. TAVENNER. What is your profession?

Dr. GOODLAW. An optometrist, sir.

Mr. TAVENNER. How long have you been engaged in the practice of your profession in Los Angeles?

Dr. GOODLAW. Eighteen years.

Mr. TAVENNER. Will you state briefly to the committee, please, what your scholastic training has been for your profession?

Dr. GOODLAW. I graduated from the University of California.

Mr. TAVENNER. Doctor, I would like to ask you whether or not you were at any time a member of the medical branch of the Communist Party in Los Angeles and if you were, I would like then to inquire as to what you know about its formation and its purposes.

Dr. GOODLAW. Did someone say that I was a member?

Mr. TAVENNER. Will you answer the question, please?

(The witness conferred with his counsel.)

Dr. GOODLAW. I will decline to answer this question for the following reasons: As an optometrist I have responsibility over and above that of a lay citizen. I have the responsibility of the welfare of my patient and that confidential relationship of doctor and patient must be maintained. I believe this committee undermines this by requiring that the witness doctor turn informer to cooperate with this committee. No patient could possibly have confidence in any doctor who discloses any information about—

Mr. WOOD. Please leave off the argument part of it and just state what your objections are.

Dr. GOODLAW. My objections, sir, in this one point, is that to turn informer and cooperate with this committee makes that doctor incapable of retaining the confidence of his patient.

Mr. DOYLE. May I ask, you are reading a statement here that you have, are you not, sir?

Dr. GOODLAW. I am reading from prepared notes.

Mr. WOOD. I am hoping the doctor is going to cooperate to the extent of refraining from arguing his points and state the reasons.

Dr. GOODLAW. I have no desire to argue with this committee. I only have a desire to see the committee leave. As an optometrist, I have a place in the health and welfare of my community. I believe the work of this committee can only serve to hamper and undermine the health and welfare of this community, and so, on that ground, too, I refuse to answer this question.

I believe that this committee is substituting political control over the professions or professional qualifications, and I believe it is my duty as an honest professional man to resist any effort to substitute political for professional qualifications.

I believe that this committee is imposing political orthodoxy—

Mr. WOOD. Please, sir, we are not concerned about your beliefs, and we are not at all concerned about your beliefs.

Dr. GOODLAW. I don't think you can tell me how to answer it.

Mr. WOOD. I am telling you not to argue.

Dr. GOODLAW. I am not arguing, I am making a valid point.

Mr. WOOD. State your grounds.

Dr. GOODLAW. My grounds will be valid and without argument.

Mr. WOOD. So far you have not stated a single one. I would like to have some grounds if you have got them.

Dr. GOODLAW. Then upon the further ground this committee is interfering with further scientific progress because of the imposition of political orthodoxy, and this will curtail the progress in my profession directly. On that ground I refuse to answer the question.

As a citizen of these United States I have several other reasons for refusing to answer this question. I refuse to answer this question on the ninth and tenth amendments which places sovereignty of the people in the hands of the people and prohibits this committee from

carrying on this kind of work of telling us with whom to associate and to what organizations we may belong and so forth.

I refuse to answer this question on the first amendment in two ways: Under the resolution——

Mr. WOOD. We are familiar with the first amendment. If you are invoking the first amendment, that is sufficient.

Any other reasons?

Dr. GOODLAW. As a further ground, then, under the resolution empowering this committee to investigate propaganda because this is a legislative committee, any legislation that it may recommend would be a violation of the freedom of speech which the first amendment specifically prohibits legislation upon.

The further ground on the fourth amendment, which prohibits seizure of private property and attempting to seize my thoughts, would be more unwarranted than seizing steel mills.

A fourth point, the sixth amendment which would require all of the judiciary which you as a legislative committee not only cannot give but also have not given in your accusations which you implied when you subpoenaed me.

The further grounds for refusing to answer this question is that the actions of this committee are creating an atmosphere of hysteria which promulgates war. Fortunately the American people have not accepted this and that was demonstrated yesterday by the alert flock. It is the duty of every American citizen to do all in his power for peace.

Mr. WOOD. That is argumentative.

Dr. GOODLAW. The last reason for refusing to answer this question is I stand on the fifth amendment, which protects the freedom of silence.

Mr. TAVENNER. On what basis under the fifth amendment do you refuse to answer the question?

Dr. GOODLAW. I don't remember, sir, whether it was Rutledge or Edgerton that referred to the clause in the fifth amendment that permits the freedom of silence as the bulwark upon which tyrants stub their toes.

Mr. TAVENNER. Are you relying in your refusal to testify upon that provision of the fifth amendment under which a person cannot be compelled to testify in a matter involving himself if to do so might tend to incriminate him?

Dr. GOODLAW. Of course I decline to answer on each and every part of the fifth amendment.

Mr. TAVENNER. All right. That is a provision of it, and you are relying upon that?

Dr. GOODLAW. Yes.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. GOODLAW. I answered the question almost exactly in a matter of sense, and I continue the same answer on exactly the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. GOODLAW. Well, do you want to put it in the past tense, I answer in the past tense on the same grounds for the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Are you not the man that snatched the American flag out of the hands of one of the pickets out here in front of the building?

Dr. GOODLAW. I didn't snatch an American flag, sir. I was asked

if I would take an American flag which I gladly accepted. Again, as Congressman Wood says, sometimes the papers do get things wrong. I have a picture here saying I tried very hard to uphold the flag while one of the procommitteemen tried very hard to grab it from me as he dropped his flag in the gutter. I also have another picture showing one of the procommitteemen getting paid on the picket line.

MR. JACKSON. Does the witness infer that the committee had anything to do with the payment of anyone on either of the picket lines?

DR. GOODLAW. I draw no—

(The witness conferred with his counsel.)

DR. GOODLAW. I certainly make no inference.

MR. WOOD. Are there any further questions?

Any reason why the witness should not be excused from further attendance on the committee?

MR. TAVENNER. No, sir.

MR. WOOD. It is so ordered.

(The witness was excused.)

MR. TAVENNER. I will call Dr. Harold Koppelman.

MR. WOOD. Will you raise your right hand. You swear that the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

DR. KOPPELMAN. I do.

TESTIMONY OF DR. HAROLD KOPPELMAN, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

MR. TAVENNER. Have a seat, Doctor.

What is your name, please?

DR. KOPPELMAN. Harold Koppelman.

MR. TAVENNER. When and where were you born?

DR. KOPPELMAN. I was born in the city of New York in 1906.

MR. TAVENNER. Are you now a resident of Los Angeles?

DR. KOPPELMAN. I am.

MR. TAVENNER. Will you give us the spelling of your last name?

DR. KOPPELMAN. K-o-p-p-e-l-m-a-n.

MR. TAVENNER. How long have you lived in Los Angeles?

DR. KOPPELMAN. Since 1946.

MR. TAVENNER. What is your profession?

DR. KOPPELMAN. I am a doctor of medicine in the specialty of surgery.

MR. TAVENNER. How long have you been engaged in the practice of medicine in Los Angeles?

DR. KOPPELMAN. Since my arrival here in 1946.

MR. TAVENNER. Will you state briefly what scholastic training has been for your profession?

DR. KOPPELMAN. I went to public schools in the city of New York, to Columbia College where I got an A. B. degree in 1927 with the award to Phi Beta Kappa. To the College of Physicians and Surgeons of Columbia University in the city of New York, where I graduated in 1931 with an award of Alpha Omega Alpha. I interned in the city of New York for 2 years, and I also took a graduate course in surgery at New York University School of Medicine, after completion of my internship.

In 1943 I was admitted to fellowship in the American College of Surgeons and in 1949 I passed the examination by the American Board of Surgery and I was then qualified by them also as a specialist in my field.

Mr. TAVENNER. Doctor, were you a member of an organization in Los Angeles known as the Medical Branch of the Communist Party?

Dr. KOPPELMAN. Mr. Tavenner, I decline to answer that question and I would like to give you several grounds and I promise to be brief and unemotional but I think very sincere, and they are very important to me.

First, I believe in answering any question relative to my private associations would concede that Congress and committees of Congress the right to ask it and this I do not concede. I believe that the first amendment proscribes the Congress from asking such questions or considering any legislation which might abridge the freedom of speech or association, and I think I hold with eminent legal authority in this belief. That is especially a Supreme Court decision which I read that stated that this committee does not have the right to inquire into the private affairs of the citizen.

My second reason for refusing is that although you haven't named the person who I assume gave you such testimony, it involves probably the testimony of a prior witness to this committee who very possibly, as far as I know, may be an unreliable witness. I refuse to answer without full recourse to due process of law like the ability to cross-examine which I understand cannot be afforded by this committee although such due process I believe to be specifically protected in the sixth and fifth amendments.

My third reason is I refuse to answer this question as a protest against what I consider to be the extra-legal assumption of judicial function by this, a legislative committee, and in protest to its punitive effect, if not intent in blacklisting persons, in harming professional men by loss of hospital appointments. This was a personal experience of my own.

Further, as a protest against the fear and intimidation and hysteria abroad in this land to which I believe the activities of this committee have contributed, although I do not hold them completely responsible for it.

I refuse also and protest against the attempt to impose orthodoxy of opinion in this country. I really refuse as a plea for a return to sanity in this country. I think in my field, in science, this imposition of conformity is especially dangerous because in all periods of history where it has been forgotten, science has stagnated. It is the very leaven of democracy. If I had time, and I won't burden the committee, I would like to repeat a quote from Walter Lippmann, a conservative writer on this question yesterday, but I won't.

Penultimately, I refuse as a protest against being called here in an atmosphere of accusation when I have never to my knowledge committed any crime, when I am not guilty of anything, except perhaps of having had the courage to stand up for unpopular opinions which I consider to be my right.

And finally, I decline to answer on the grounds provided in the fifth amendment to the Constitution.

Mr. TAVENNER. Have you any knowledge of the formation of a medical branch of the Communist Party in Los Angeles and of its purposes?

Dr. KOPPELMAN. I decline to answer that question, Mr. Tavenner, for precisely the same grounds I have just given you.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. KOPPELMAN. I refuse to answer that question for precisely the same grounds previously given.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. KOPPELMAN. I refuse to answer that question for precisely the same grounds previously given.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Have you any questions?

Mr. DOYLE. I have one question, Doctor. Doctor, you have related a fact showing that you have received at least one of the highest recognitions that can be extended a man in your scientific field and you have indicated that you felt this committee, as I wrote it down, was assuming semijudicial functions at least, and that even though we didn't intend the punitive effect there was a punitive result of these hearings. I am trying to use substantially your words. Under Public Law 601, you also referred to it, this committee which you are fighting with is expressly charged with investigations of the extent, the character and the objects of un-American, subversive propaganda activities in the United States. The last section of this first paragraph charges this committee with studying these questions and investigating them, and all of the questions with relation thereto for the express purpose of making recommendations to the whole Congress of remedial legislation.

Now, it is under that law that we are here. I appreciate the fact that you are not emotional, and you said you would not be, and I appreciate the fact that you are fairly brief. Have you a suggestion to us now, and I have called your attention to the fact that we are charged with an investigation of anything which appears as subversive propaganda and activities. Have you a suggestion how we can get information about subversive activities and propaganda other than by the way we are doing it?

Dr. KOPPELMAN. Well, Mr. Doyle—

Mr. DOYLE. I am asking you that in good faith.

Dr. KOPPELMAN. I appreciate the good faith and the sincerity, I really do. I have not solved this problem in my own mind, and I have been studying the problem since I received my subpoena in January of this year. It has meant for me the need to study law rather than surgery for this year, and I haven't found the answer to a question, and it is a legal dilemma, it seems to me, that is not resolved even in the Supreme Court decisions. I can't at all assume any technical legal or any other knowledge in this field. My only feeling about it is that until the technique is found, please, Congressman, consider avoiding trampling on people's rights, professions, and livelihood in the process of seeking this, and to protect the people's rights until you find a technique Congress has asked you to find. That is all of the answer I can give you.

Mr. DOYLE. Now I would like to make this one further statement: The last paragraph of Public Law 601 expressly says to this committee, which is here with you today studying this problem, for the purpose of making such investigation and report, we are authorized and charged with using the subpoena if we want to, if we feel it is necessary, we are expressly charged with having hearings, either in full committee or subcommittee, and not only that, but Congress felt it was so important that we make these investigations both with or without subpoenas that they authorized that there be subcommittees, and even the chairman of a subcommittee has authority to sign subpoenas.

Now, I am asking you because we represent your Congress, and I am asking you, I am a Member of Congress and I am asking you now as one of the top men in your profession, surgery, what recommendations have you got to the United States Congress through us of remedial legislation.

Dr. KOPPELMAN. I have a definite recommendation about this dilemma. I think that you gathered from the opinions I expressed that I believe the law was unconstitutional to begin with, and I would say to Congress, "You have asked us to do an impossible task, and that the Constitution doesn't allow it. Excuse us and remove the committee."

That would be my own personal advice and I give it in all sincerity and good faith. I think the danger to the country which you have been asked to investigate is in good hands, and I mean the protection of the country's danger is in good hands. I would trust the present authorities entrusted with protecting our security and I think that the Congress and the country would be much better off if the energies expended in this heart-breaking kind of procedure and hysteria and fear that has been widespread, that Europe perhaps doesn't understand and is laughing at us, it would be much better spent in studying legislation for public welfare, studying how to accomplish peace, and things of that nature. I think this is not productive.

Mr. DOYLE. You see, Doctor—and with this statement I will cease taking up your important time, because I know you must want to get back to your office—

Dr. KOPPELMAN. I will be glad to wait for you, Congressman.

Mr. DOYLE. Now, I make this statement, sir. You see this committee is in possession of just a huge amount of evidence, documentary and otherwise, that many members of the Communist Party in the United States are advocating measures present and in the future which are definitely subversive. Now, we are charged with investigating subversive propaganda and activities, and so whenever we call a member or a citizen whom we have reason to believe, and I mean an honest-to-God good reason and a fair reason based on competent evidence, or factual statements—whenever we call a person by subpoena and we state that we believe that person is a Communist, we are not necessarily saying that all Communists are actively subversive, but we do say that we know of the policy generally of the American party in the United States as being subversive.

Now, therefore, we are charged under this bill, do you not see, Doctor, and therefore our definite assignment is to investigate subversive activities and propaganda even if it is in the Communist Party. The

Communist Party, according to our records, is one of the subversive groups in the United States. You wouldn't want us to do less than our duty, would you?

(The witness conferred with his counsel.)

Dr. KOPPELMAN. I only want to say in parting, my own opinion is that it appears to me what Congress asked you to do is a judicial function and I believe in the division of our Government into the three functions, and I would leave it to the judicial part of this Government, and put Congress to work on more constructive matters.

Mr. DOYLE. I realize that you have previously stated you were not a lawyer and of course you have to rely upon the opinions of able counsel and writers for whether or not it is a judicial function.

Now, because I recognize that your mind was made up before you came and because you were not emotional in relating to us your objections, I just want to say this to you as I am a professional man, too. Won't you please note that there isn't a man on this committee that asked to be there. I didn't ask to be on this committee and none of us did, and we accepted the assignment. Therefore, will you please know as one professional man to another, that regardless of the rather harsh criticism you made of our functions it is not an easy nor pleasant thing exactly for us to sit here on an assignment of Congress and subpoena you busy and professional men and pull you out of your offices, and we don't enjoy it. I just wanted to get that across to you. It isn't a picnic, and it is far from an easy physical or mental job to sit here and urge you men to come and help us in our study of this subversive problem.

Dr. KOPPELMAN. I appreciate your difficulty, Mr. Doyle.

Mr. DOYLE. And we all feel the same way.

Dr. KOPPELMAN. If I were in your place, I would go back and tell Congress, "This committee has no valid reason for existence, and let us discontinue it," and that is how I would solve the problem.

Mr. DOYLE. May I make this final statement, and may I say this to you in utter frankness, as a result of this Los Angeles hearing, up to date, I am more convinced than ever that this committee is absolutely necessary in the history of our Nation.

Dr. KOPPELMAN. I am sorry to hear you say that, Congressman.

Mr. WOOD. Are there any further questions?

Mr. JACKSON. I have no questions, except to say, Doctor, that it is a very pleasant relief to hear someone discuss this objectively and quietly, and I appreciate it myself.

Mr. WOOD. I was about to express the same sentiments, and it is gratifying, irrespective of the difference of opinion that exists between your philosophy and mine. I am nevertheless grateful to you for being permitted to discuss it with you calmly.

You will be excused from further attendance on the committee.

(The witness was excused.)

Mr. TAVENNER. I will call Dr. Jack Nedelman.

Mr. WOOD. Would you raise your right hand, please, sir. You do solemnly swear that the evidence you shall give this committee shall be the truth, the whole truth, and nothing but the truth so help you God?

Dr. NEDELMAN. Yes, sir, I do.

TESTIMONY OF DR. JACK NEDELMAN, ACCOMPANIED BY HIS COUNSEL, ROBERT KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please?

Dr. NEDELMAN. Jack Nedelman, N-e-d-e-l-m-a-n.

Mr. WOOD. For the benefit of the record, the same counsel is appearing for Mr. Nedelman, and I understand appeared for the previous witness.

Dr. NEDELMAN. Yes, sir.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. NEDELMAN. I was born in Chicago, Ill., July 8, 1914.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Dr. NEDELMAN. I am.

Mr. TAVENNER. How long have you been a resident of Los Angeles?

Dr. NEDELMAN. Approximately 32 years.

Mr. TAVENNER. What is your profession?

Dr. NEDELMAN. I am a physician.

Mr. TAVENNER. How long have you engaged in the practice of medicine in Los Angeles?

Dr. NEDELMAN. Approximately 11 years.

Mr. TAVENNER. Will you state briefly to the committee what your scholastic training has been for your profession?

Dr. NEDELMAN. I received a bachelor of arts degree from the University of California at Los Angeles in 1937, and I received my training in medicine at the College of Osteopathic Physicians and Surgeons in Los Angeles.

Mr. TAVENNER. Doctor, I ask you to tell the committee what information you have, if any, regarding the existence of a branch, a medical branch of the Communist Party in Los Angeles, and if you have knowledge of it to state how that branch was formed and what its purposes and objectives are.

Dr. NEDELMAN. Mr. Tavenner, I shall decline to answer that question. The committee may be happy to hear that I am not going to make a lengthy statement. However, I do not mean this to indicate in any way that I approve of what the committee is doing. I am proud to be a party to this courageous defense of civil liberties that is taking place in this hearing room this week. I therefore decline to answer that question on the basis of the first, the fifth, and ninth and tenth amendments of the Constitution.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. NEDELMAN. The same answer on the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. NEDELMAN. The same answer on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Have you any questions?

Mr. JACKSON. Thank you, Doctor.

Mr. WOOD. If there are no further questions, the witness is excused. (The witness was excused.)

Mr. TAVENNER. Dr. Milton Lester.

Mr. WOOD. Will you raise your right hand and be sworn. Do you solemnly swear that the evidence you shall give this subcommittee

shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. LESTER. I do.

TESIMONY OF DR. MILTON LESTER, ACCOMPANIED BY HIS COUNSEL, ROBERT W. KENNY, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. What is your name, please, sir?

Dr. LESTER. Milton Lester.

Mr. TAVENNER. When and where were you born?

Dr. LESTER. In New York City, January 4, 1919.

Mr. TAVENNER. Do you now reside in Los Angeles?

Dr. LESTER. I do.

Mr. TAVENNER. How long have you been a resident of Los Angeles?

Dr. LESTER. About 24 years.

Mr. TAVENNER. What is your profession?

Dr. LESTER. I am a physician, specializing in psychiatry.

Mr. TAVENNER. How long have you been engaged in the practice of psychiatry, if that is the proper word, in Los Angeles?

Dr. LESTER. I started a private practice of psychiatry in 1948.

Mr. TAVENNER. In Los Angeles?

Dr. LESTER. Yes.

Mr. TAVENNER. Will you state to the committee briefly what your scholastic training has been for the practice of your profession?

Dr. LESTER. I attended the public schools of New York and Los Angeles, and I graduated from the University of California at Los Angeles with a bachelor of arts degree, with honors. I attended the University of California Medical School in Berkeley and San Francisco. After that I interned and had specialized residency training in psychiatry. After that I had 3 years of further training in psycho-analytical psychiatry.

Mr. TAVENNER. Doctor, do you have any knowledge of the existence of a medical branch of the Communist Party in Los Angeles?

Dr. LESTER. I shall decline to answer this question for the following reasons: First, this committee has no right to inquire into my beliefs, associations, or thoughts, or for that matter into these beliefs, associations, or thoughts of any citizen or person in the United States. Secondly, as a scientist and particularly as a psychiatrist I have a special interest and a special duty in regard to myself and to my patients. One thing that I must always help patients to accomplish is to examine and test reality. To do this they must always examine facts.

Mr. TAVENNER. That is what we are endeavoring to do here, Doctor.

Dr. LESTER. I don't agree with that at all. I will elaborate on that.

Mr. WOOD. Will you please state your reasons and not your arguments?

Dr. LESTER. I am stating my reasons. Anything that a witness says here that doesn't agree with your views and argument, and that is obvious—

Mr. WOOD. That is argumentative.

Dr. LESTER. That is all right with me.

Mr. WOOD. I know, but it is not with us.

Dr. LESTER. I didn't ask to be brought here.

Mr. WOOD. No, but perhaps now that you are here——

Dr. LESTER. I will not conform to what you want me to say.

Mr. WOOD. This committee is entitled to at least the courtesy of a dignified hearing, and——

Dr. LESTER. My answer was proceeding with perfect dignity until you interrupted with discourtesy.

Mr. WOOD. Well, that is not true, and you know it is not true.

Dr. LESTER. Don't tell me what I know isn't true, I am stating the truth.

Mr. WOOD. I have not been discourteous to you at all.

Dr. LESTER. If you will hold your tongue and let me alone.

Mr. WOOD. I am going to interrupt you just as often as you get to arguing. You can state your reasons in succinct form and we will be glad to get along with you.

Dr. LESTER. It is obvious I can't argue with anyone unless they start arguing with me. I was proceeding until you interrupted. As I was saying, to test reality and to be a scientist means to examine facts. I tried to help my patients attain this status of reality testing, and I try to do it myself constantly.

Mr. TAVENNER. Mr. Chairman——

Mr. WOOD. I will hold that that is not a pertinent answer to the question that is given.

Dr. LESTER. If you will let me finish, you will see the pertinency of it.

Mr. WOOD. I have already ruled about it, sir.

Dr. LESTER. I will not answer this question the way you want me to answer it, I will answer it as I want to answer it, and if you want to withdraw the question, fine.

Mr. WOOD. I am not going to sit here for the balance of the afternoon listening to an argument about it.

Dr. LESTER. It is all right with me, I will proceed, then. What this committee is doing in my view is not new in history. It is seeking to substitute an examination of facts by citizens, to substitute for this examination of facts an acceptance of slogans which make it unnecessary for citizens to think.

Now, the prime slogan that this committee has sought to foist on the American people is something about a conspiracy of communism. In my opinion this is a delusion.

Mr. WOOD. I hope you will not require me to caution you again.

Dr. LESTER. You may caution me to the end of time, I am going to say what I have to say, I will not answer a question as you want an answer.

Mr. WOOD. I just want you to answer.

Dr. LESTER. I am answering.

Mr. WOOD. That is not an answer and I am not going to caution you again.

(The witness conferred with his counsel.)

Dr. LESTER. As further grounds I have seen this committee doing what has been done in other countries and other periods of history. It is labeling some minority dangerous, and then causing the people in a given country to fear this minority, and then causing the people to give up their critical faculty of thinking for fear of being associated with that minority and by this means obtaining conformity and a bended knee from a complacent and compliant population. For this

reason, which is one aspect of our rights protected under the first amendment, I will not answer this question.

Furthermore, it is my duty as a citizen and as a scientist to resist the imposition on the American people and on myself fantasies that don't accord with realism. This country is under the spell of a fantasy and delusion that we are in danger from every one while the people are blinded to the only real danger that confronts them, and that is the activity of committees like this which seek to stifle their ability to think and to speak.

A further ground is that under the fifth amendment a citizen cannot be required to testify against himself, and as the appellate court of appeals pointed out recently it is elementary that the use of the fifth amendment by a witness.

Mr. WOOD. The committee is familiar with the provisions of the fifth amendment.

Dr. LESTER. You are obviously not familiar——

Mr. WOOD. I am saying to you that we are, and if you claim the provisions of the fifth amendment please state so.

Dr. LESTER. I am stating it, and I am stating you are obviously not familiar, because the fifth amendment is not only directed at the citizen but at committees, and it specifically says no person may be required to testify against himself.

Mr. WOOD. I have ruled that this committee knows of the provisions of the fifth amendment and it doesn't need any law class.

Dr. LESTER. Why are you violating the Constitution, and it says you may not require a witness to testify against himself, and you are doing that very thing.

Mr. WOOD. No, sir; we are not doing it, we are giving you an opportunity.

Dr. LESTER. Mr. Jackson said, "If only we didn't have the fifth amendment."

Mr. JACKSON. That is another suggestion. I suggest you see yourself or another psychiatrist, because you are certainly off the beam.

Dr. LESTER. I heard it.

Mr. WALTER. Now, so you do not go off on the wrong premise, let me correct you with respect to what you said about the fifth amendment. "Nor shall be compelled in any criminal case to be a witness against himself."

Dr. LESTER. What is so obscure about that?

Mr. WALTER. All right, go on.

Dr. LESTER. It is perfectly obvious.

Mr. WOOD. Do you have any further reasons besides the fifth amendment for refusing to answer the question?

Dr. LESTER. I am stating them. You want Mr. Walter to withdraw his comment?

Mr. WALTER. I did not know that this was a criminal case.

Dr. LESTER. It isn't yet, and as far as I am concerned it never will be.

Mr. WALTER. I do not know.

(Statement made by the witness was ordered stricken from the record.)

Dr. LESTER. I don't care whether you asked for them, you are going to get them, yes, I am a citizen and you are a Congressman.

Mr. WOOD. I do not know whether we are or not.

Dr. LESTER. You cannot tell me what to think. I can tell you what to do, and you are a citizen, and you represent the people, and here

you are trying to tell the people what to do. You can't stifle me or tell me what to think or say.

Mr. WOOD. I can't do that.

Dr. LESTER. You are damn right you can't.

Mr. WOOD. But I can certainly eliminate you from this hearing room.

Dr. LESTER. You want to eliminate me?

Mr. WOOD. From the room, and I will do it before I will continue to be insulted by you.

Mr. DOYLE. Mr. Chairman, I move the witness' language where he used the word "damn" be stricken out.

Mr. WALTER. I think it should be left in.

Mr. JACKSON. I object to removing it.

Mr. WOOD. I am going to let it stay in.

If the witness has any further reasons for refusing to answer the question, which he is willing to offer in a dignified and decorous manner, we will be glad to hear him. And if he cannot offer them in that manner, I prefer not to hear him at all.

(The witness conferred with his counsel.)

Dr. LESTER. And on the further grounds, as I started to say when I was interrupted, I think, that in claiming the right not to testify against myself I am admitting no guilt; this is elementary. On the further grounds of the ninth and tenth amendments.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. LESTER. I have answered the question, or the essence of it, and I will refuse on the same grounds for the same reasons.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. LESTER. I decline to answer on the same grounds and for the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Are there any questions? Just a moment, you are here under subpena, are you not?

Dr. LESTER. I certainly am.

Mr. WOOD. You received a subpena from this committee?

Dr. LESTER. That is right.

Mr. WOOD. And you received a subpena from this committee to appear here at this hearing, did you not?

Dr. LESTER. Yes, sir.

Mr. WOOD. And you are here in obedience to that subpena?

Dr. LESTER. Yes, sir.

Mr. WOOD. You will be excused.

The witness is excused from further attendance on the committee.

(The witness was excused.)

Mr. TAVENNER. Dr. Omer Bell Barker.

Mr. NEUSOM. Can I have an opportunity to call him for the reasons that I explained this morning—he has not arrived and I found out during the noon hour that there was some difficulty.

Mr. WOOD. We will take a recess of 15 minutes and give you an opportunity to call him.

(A brief recess was taken.)

Mr. WOOD. Let us have order, please.

Are you ready to proceed, Mr. Counsel?

Mr. TAVENNER. Yes, sir.

Mr. WOOD. Call your next witness.

Mr. TAVENNER. Dr. Samuel Sperling.

Mr. WOOD. Dr. Sperling, will you raise your right hand and be sworn. You do solemnly swear the testimony you shall give this committee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. SPERLING. I do.

Mr. WOOD. Have a seat, please.

TESTIMONY OF DR. SAMUEL J. SPERLING, ACCOMPANIED BY HIS COUNSEL, MORRIS E. COHN

Mr. WOOD. Are you represented by counsel?

Dr. SPERLING. Yes, sir.

Mr. WOOD. Will counsel please identify himself?

Mr. COHN. My name is Morris E. Cohn.

Mr. WOOD. Of the Los Angeles bar?

Mr. COHN. Yes, sir.

Mr. TAVENNER. What is your name, please, Doctor?

Dr. SPERLING. Samuel J. Sperling.

Mr. TAVENNER. Will you spell your last name?

Dr. SPERLING. S-p-e-r-l-i-n-g.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. SPERLING. Philadelphia, in 1905.

Mr. TAVENNER. Do you reside in Los Angeles?

Dr. SPERLING. Yes, sir, I do.

Mr. TAVENNER. How long have you lived in Los Angeles?

Dr. SPERLING. Since 1935, except for an intermission of approximately 4 years.

Mr. TAVENNER. Were you a member of the Armed Forces?

Dr. SPERLING. Yes, sir, I was.

Mr. TAVENNER. During the 4-year period that you mentioned?

Dr. SPERLING. That is right.

Mr. TAVENNER. What is your profession?

Dr. SPERLING. I am a physician.

Mr. TAVENNER. How long have you practiced medicine in Los Angeles?

Dr. SPERLING. Since 1936.

Mr. TAVENNER. Will you tell the committee briefly what your scholastic training has been for your profession?

Dr. SPERLING. Well, I attended public schools in Philadelphia, grammar and high school; college at the University of Pennsylvania, and A. B. degree and M. D. degree at the University of Pennsylvania, and I took the usual internship, resident internship in neurology and psychiatry, and prepared myself for specialization in those fields, and I limited my work mainly to psychiatry and particularly to psychoanalysis and I am a member of the Los Angeles County Medical Association and California Medical Association and the American Medical Association and the American Psychiatric Association and the American Psychoanalytical Association and the National Psychological, and the Association for the Advancement of Science, and so forth. That will give you an idea.

I am also officially, you might say, recognized as a specialist in my field by the American Board of Neurology and Psychiatry both in neurology and psychiatry. That is, you might say the recognition in American medicine for any speciality work.

MR. TAVENNER. Doctor, the committee is investigating the extent and character of the formation of a Communist Party cell within the medical profession, and that is a cell made up exclusively of members of the medical profession, which has been referred to as the medical branch of the Communist Party here in Los Angeles. We are anxious to learn all we can about the formation of that group, and particularly its purposes and its objectives.

There is testimony before the committee by Dr. Light, and Dr. Reznick, that you were a member.

DR. SPERLING. May I, Mr. Tavenner, interrupt you without any intention of being discourteous, to ask your consideration before you subject me to naming names, or differentiating between names of people whom I know or I do not know, to consider—

MR. TAVENNER. I haven't asked you about names other than your own.

DR. SPERLING. Your intention, as you express it, not to invade the right of doctor and patient, just to give this to your consideration. I am in a special position.

MR. TAVENNER. Just a moment, Doctor. If I get to the point where I am asking you a question of that kind, I want to be reminded of it, because I do not propose to ask you any such question.

MR. WOOD. May I at that point make an inquiry which probably will clarify the situation. Has Dr. Light ever been a patient of yours?

DR. SPERLING. This is the very point I want to make.

MR. WOOD. Has she been a patient of yours?

DR. SPERLING. This is the very point I wanted you to consider, if I may present it for you, very briefly.

MR. WOOD. Would you just answer that question, and then—

DR. SPERLING. That would be giving away my right of professional confidence between patient and doctor.

MR. WOOD. If you say she has ever been your patient?

DR. SPERLING. I don't want to in any way appear to oppose answering your question, but I will accept your opinion about this, if you will consider these facts then I will be able to answer your question.

MR. WOOD. There is but one fact that would make the position tenable at all, and if there has ever been a relationship of physician and patient between you and another of the doctors that Mr. Tavenner named, I would be constrained personally to hold that you should not be interrogated with reference to any confidential relationship existing between you and a certain person of that kind. But I think first you should answer the question as to whether that relationship exists or whether it doesn't, or whether it has ever existed.

DR. SPERLING. May I consult with counsel, please?

(The witness conferred with his counsel.)

MR. WOOD. As incident to the question that counsel asked you, I interposed an intermediate question, as to whether or not either of the parties, doctors whose names Mr. Tavenner gave, have ever occupied a relationship of patient with you.

DR. SPERLING. I cannot respond to that because this is the very question I want to ask counsel and be permitted to have you pass upon

it, whether this very thing would be infringed upon, and counsel has stated it is his intention, and I want to make him aware of certain facts whether his intention would be executed by such a question and by expressing such names. Now, if in his opinion it would not, then I would abide by that.

Mr. WOOD. Well, I do not exactly understand the reason of the interrogation or the comments. I have asked you a very simple question, and it does not infringe upon anybody's confidential relationship as to whether or not——

Dr. SPERLING. Could I try to clarify that for you?

Mr. TAVENNER. Mr. Chairman, that is a direct question, and I think it should require an answer before any other question is asked.

Mr. COHN. Would you please state the question again?

Mr. WOOD. Did you understand the names of the two doctors?

Mr. TAVENNER. Dr. Light and Dr. Reznick.

Mr. WOOD. The question I asked you, are either of those people now or have they ever been patients of yours?

Dr. SPERLING. Were I to differentiate between patients, or people and names who are or who are not my patients, I would be violating a confidence of those people who are my patients, if I was to say or claim the privilege, because a Congressman——

Mr. WOOD. I guess I get your point. Then we can ask you to answer the question counsel asked you.

Mr. TAVENNER. To simplify matters, I will ask the question in another way. Have you ever been a member of the medical branch of the Communist Party in Los Angeles?

Dr. SPERLING. Mr. Tavenner, I decline to answer that question and I shall decline to answer similar questions on the following grounds, and I will not take up the committee's time. I think the bases have been very well stated by many professional people who have been witnesses and who have appeared before this committee. And so I will state them very briefly, which are that I feel it would be a violation of my right and my duty as a citizen under our Constitution, and I value that very highly, and I point out to the committee that I have been making this decision not to answer the question, weighing whatever possibilities I could to see or to do something constructive to achieve the same purpose which I hope that you have in mind, and I do, to support our democratic procedures and our democratic institutions.

It is with regret that I have come to take this position of declining to answer that question, feeling that I would violate my rights and the rights of the people not to give their own opinions, beliefs, thoughts, or associations under compulsion without their free will and knowledge thereof to this committee, and I feel that the restriction of freedom of expression of ideas and my own personal experience has been chiefly in the field of science, which I have had particular experience to recognize the stultification of science and what harm results from that to the mass of the people when that is so done, that I cannot bring myself to answering this question under the first amendment.

And I further state that under the fifth amendment I also decline to answer this question.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. SPERLING. Mr. Tavenner, it is difficult for me to understand the import of this question for the reason that I have just stated and it is my understanding that it is the purpose of this committee to obtain

information and I have just stated that I shall decline to give that information for the reasons stated and so I cannot come to believe that this intention that you have expressed is valid, and otherwise you could not, it seems to me, being a reasonable man, ask this and subsequent questions of this nature. This can only mean that you have the intention to deprive me of my right to a livelihood by the publicity involved, and therefore I feel that I shall decline in addition to the reasons previously stated to do so under the ninth and tenth amendments and under the provisions of the Constitution that I feel I shall be deprived of my livelihood without due recourse to law.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. SPERLING. The answer is the same as previously stated for the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. Did you identify yourself?

Mr. COHN. I did, sir.

Mr. DOYLE. I think I would like to ask the doctor one question, which I feel is basic, Doctor. I think that you said just a minute ago that it is difficult for me to understand the import of this question. This would only mean that you would deprive me of my livelihood. Do you remember stating substantially that within the last minute?

Dr. SPERLING. I meant the purpose of the question.

Mr. DOYLE. Yes; the purpose of the question.

Well, now, I ask you as one citizen to another, what suggestion or recommendation have you to make to this committee in its responsibility to Congress and therefore to the people of the Nation, because Congress is the creation of all of the people of America—this committee has been assigned under Public Law 601 to investigate subversive and un-American propaganda activities. At this junction in our work we are investigating where there are subversive activities within Communist Party cells in America, and that happens to be the present level on which we are working. And we work on other levels, too. That is not only the Communist Party, but certain other groups or organizations in America, and so it is not limited to just the Communist Party. I want to make that clear to you.

But we have the responsibility under Public Law 601 of investigating subversive activities wherever we find them. Now, the law so expressly says to us to use the subpoena where we feel it is necessary, and our experience has proven to us that the best way and the most efficient way to get factual and honest-to-God facts and the truth of a situation is to put people in the main under a subpoena under authority of Congress.

Now, you have been subpoenaed, haven't you?

Dr. SPERLING. Yes, sir.

Mr. DOYLE. Well, we did not enjoy subpoenaing you any more than we have enjoyed subpoenaing any American citizen but it was reported to us, I think it was reported to us by two doctors under oath, by the way, in public session, by the way, that you were a member of the Communist Party medical cell in this area.

Now, we are making an investigation, and we don't want to hurt anybody, and you would probably, you know it is no physical pleasure or satisfaction for us to sit here and do this. And I have asked two

other distinguished men in medicine, I think two, to give me their recommendations how we should go about getting information of what the Communist Party membership in the medical profession or any other level of experience in the Los Angeles area was doing, in its subversive activities. If you were on this committee, Doctor, and a Congressman, with your training, say, and you gave up your professional training for a few years in medicine like some of us have in law and other things for a few years, and you were assigned to this committee, how would you go about investigating subversive activities and propaganda in the medical profession in the Los Angeles area if Congress asked you to?

(The witness conferred with his counsel.)

Mr. DOYLE. I am asking now to you constructively, Doctor, because we are charged with making recommendations to Congress, to all of Congress, and Congress represents all of the American people; including you and me. How shall we go about it if we are not going about it right?

Dr. SPERLING. I am no expert in this field, but I shall try to give you a few impressions that I have of the value.

Mr. DOYLE. What proceeding shall we take, and don't find fault with the committee again, you have given us the fault-finding part, and now forget the fault-finding part, Doctor, and give us the constructive part.

Dr. SPERLING. It is my impression that we are engaged in a world-wide struggle on the field of ideas, and particularly of course we are upholding our own democratic ideas, ideals, and institutions, and the reports that I read, people like Mr. Weir, and Mr. Hoover, they come back and say that we are losing on the world front in this battle of ideas, and the battle for men's minds. And I think that this committee should try to understand and consider why we are losing the battle for democracy today in the world front. I think that if you look closely at that, you will see that there is a lack of carrying into effect, into action, many of our beliefs, and one of those is a demonstration here, of people at great cost and sacrifice to themselves have gotten up and have stood on the first amendment to try to support and uphold this battle of free exchange of ideas, of beliefs, of scientific, religious, or political, regardless of whether we approve or disapprove of them. This was the ferment from which our own country grew, and this I think is something which we should never be afraid of.

Mr. DOYLE. Well, Doctor, let me interrupt, and I appreciate your observation, but we are aware of those problems, and we are studying them at least as much as any of the people in this room are. But what I mean is, you know what procedure we took, and we took the procedure of subpoenaing you, sir, and we took the procedure of putting you under the authority of Congress to ask you to come here and testify. We have been informed that you were a member of a Communist medical cell, and we hoped that you might come and tell us frankly as an American citizen in our investigation that you might help us, sir. You stood conscientiously, you say, upon these amendments, and that is all right. We want the American citizens when they can do it conscientiously in good faith to stand on their constitutional rights, always. We are always glad to see counsel here advising on constitutional rights in good faith.

But what process should we take in investigation? Now, do not get into the field then of philosophy, again, but tell us what steps should we take to investigate subversive activities wherever they are.

Dr. SPERLING. I believe that is just the step you should take, it is to investigate subversive activities, and not ideas, and not propaganda, and not any exchange or refusal to exchange opinions or beliefs, and that is a field where you should investigate where it actually takes place, but whether the legally authorized agencies of Government are or are not doing their job.

Mr. DOYLE. Doctor, with this one thing then I will not hold you away from your professional office any longer.

Dr. SPERLING. I have been held away for several days.

Mr. DOYLE. Some of the folks are still sitting with us to get the benefit of the hearing here.

Dr. SPERLING. You asked me if I had any constructive ideas to give and I am quite willing to cooperate with the committee in every way to give that.

Mr. DOYLE. Let me state this one thing to you, then, because apparently we don't have time to go into it as fully as I would like to sometimes with you, as a fellow citizen. We cannot get into the field of investigating the activities of a known Communist if he is unwilling to say to us, "I am a Communist, but" unless we subpoena that Communist and question him as to his activities. We are not trying to interfere with your thoughts, sir, but we do feel that as an American citizen you should recognize the problem of the United States Congress in conscientiously investigating. In other words, we are asking you if you are a member of a Communist cell, for instance, and if you said "Yes," we would ask you what are the activities of that cell, you see, and now that is what we are getting at. It is not to interfere with your thinking, but it is to ask what your activities and again I want to be impersonal about it, I am not going to assume that you are a Communist for the purpose of this question. But we call Communists in, or people we believe are Communists and ask, are you a member of such and such a cell, and they say, "I refuse to answer because," and that closes the door under the Constitution to our going into it further.

Now, if you said "Yes," we then would say, well, "what are the activities of that cell," and it is not as to what you think as a matter of thought, but what activities do you participate in, and how do you function.

Dr. SPERLING. This is one point I don't understand, and by what right do you operate to investigate activities if there are activities which are illegal then we have agencies of the Government.

Mr. DOYLE. And—

Dr. SPERLING. But that is an executive branch of the Government, and that is not the legislative, unless I am completely mistaken.

Mr. DOYLE. We are not an administrative agency, but we are an arm of the United States Congress.

Dr. SPERLING. But that is the point, the point was made here repeatedly that you are not doing this, investigating such activities of which no one has stated, whether friendly or unfriendly witness, that they saw anything of a subversive or violent nature. Then I don't understand.

Mr. WOOD. Would you permit me to ask one question? If you were in the judicial proceeding instead of the legislative proceeding, would you answer that question that was asked you?

(The witness conferred with his counsel.)

Dr. SPERLING. I decline to answer that question because it is hypothetical, and that is just the point, that this committee is assuming.

Mr. WOOD. I just asked you, and you differentiated.

Mr. DOYLE. Can I make one statement to the doctor, and not in the form of a question. I could not help but notice that you were evidently proud, and I will compliment you on having that just pride, to volunteer the long list of professional groups that you are a member of, and I know those groups have certain philosophies in their thinking, and I know that men in medicine by their training and by their education think along certain lines, in science, and literature, and art and economics and other things. You volunteered to us that information with a great deal of pride, and I could not help but notice that. And I could not help but notice that when our counsel asked you if you were a member of the Communist Party, you claimed your constitutional privilege under the Constitution.

Now, why do you speak with pride about all of the professional groups that you are a member of in medicine, because they also think and they also propagandize, and they also have activities, but why do you speak with pride of those, but the minute, sir, when asked as to this other group, you claim the constitutional privilege? Why do you do that?

Dr. SPERLING. On two grounds, sir: One, as I understand the whole basis of our constitutional structure, it is that these rights belong to the people of which I am one representative, and the people have given Congress and other branches of the Government certain powers, and all other powers are reserved to themselves. One of these rights which have been reserved is the right to express or not express my opinion voluntarily, and not under compulsion. For that reason I can state certain things, and certain affiliations with groups, and not others.

For another reason, you have not subpoenaed people in these organizations before this committee, and subjected them to the kind of publicity which deprives those individuals of their very livelihood, whereas you have for their so-called political affiliations or suspected political affiliations. This is a very real fact to face, and all of these men who have come here and have stood on the first, have been very conscientious people who have sacrificed their livelihood in order to demonstrate their belief and faith.

Mr. DOYLE. May I say this one thing further, briefly, in reply to your analysis, and I appreciate your giving it to me even though I may differ with you, and it is your expert opinion.

Dr. SPERLING. We certainly are entitled to differences and that is the very essence of scientific exchange of ideas.

Mr. DOYLE. That is correct, and that is why I am imposing upon you and my committee members and the others to get the benefit of your thoughts. May I say this to you, that we did not hesitate to subpoena these lawyers merely because they happened to be lawyers, and we didn't hesitate to subpoena you brilliant men in medicine simply because you happened to be in medicine, and we do not hesitate to

subpena members of labor unions or leaders of labor unions merely because they happen to be labor union leaders, and we do not hesitate to subpena anyone merely because they happen to be members of certain groups. But one conclusion I make, Doctor, is when you voluntarily supplied the information that you were a member of such and such a professional group which we know have philosophies and thinking, then you close the door and refuse to tell us about whether or not you are a member of the Communist Party, and I have one conclusion that I have come to, that by and large most people who claim that privilege, and I am not saying you do, sir, but by and large most people who claim that privilege are at the very time they claim it members of the Communist Party which we are trying to investigate in good faith.

I am not saying that everyone is, or any specific person, but by and large my experience in the committee is from what I have learned that most of the men that claim the privilege, and therefore there is a big question mark in my mind, always, is this man or that man claiming the privilege in good faith, or is he not. Is he closing the door toward a congressional committee getting at subversive activities, which is the only thing we are after.

Dr. SPERLING. May I respond to the remark?

Mr. WOOD. If you will be brief, please, sir. This exchange has consumed 25 minutes already.

Mr. DOYLE. I am sorry, Mr. Chairman.

Dr. SPERLING. By training in the medical profession, we try to build people up to stand on their feet and not to tear them down, when you, and I think you have legally and very correctly stated your impression, you are entitled to those. But when as a Congressman and in this committee you state that, this is broadcast to the public, and the public draws inferences which harm everyone that by any possible association can be smeared with that red paint. That is the danger of this kind of question.

Mr. WOOD. Do you not think, though, Doctor, that that possibility of injury to the witness could be very easily obviated if a truthful answer were made to the question?

Dr. SPERLING. Let me say that to save the one at the expense of the many, and the expense of the individual's conscience and right of which the very fundamental philosophy behind our Constitution means to preserve, unto the least of them, and that is good Christian and good American and good democratic philosophy.

Mr. WOOD. If that is the basis on which the answers have been made here, for the past 3 days, all I can say is there are a lot of very unselfish people in this world.

Dr. SPERLING. We are entitled to our differences.

Mr. WOOD. Is there any question?

Mr. JACKSON. Doctor, I believe you quoted, subject to your correction, that we are today engaged in a battle of ideas. And that we are losing the battle of ideas. Do you think that our loss in the battle of ideas on the world front has been speeded in any way by the theft of thousands of documents from the War, State, and Navy Departments by Soviet agents?

Dr. SPERLING. Of course, Congressman Jackson, this implies some hypothesis that I don't know, whether it is proven or not. I will say

as one who has some knowledge scientifically, when you refer indirectly to stealing atomic secrets—

Mr. JACKSON. Not necessarily, fleet movements, ship movements, and not necessarily scientific information, but information which would be of great value to a potential foe.

Dr. SPERLING. The continual answer of the body of American scientists that there was no secret to the atomic bomb, and there was nothing to be stolen, and I would like to point out, if I may, in answer to your question, that this kind of steadily widening of the differences between ourselves and the Soviet Union was predicted by a member of the Cabinet back in 1946, when we took the road to this present course of secrecy, and of antagonism, not to say it wouldn't be difficult to get together, but I think that we all must explore now every avenue to narrow the differences so that we can avert this horrible destruction which will come if we continue along these lines of warfare.

Mr. JACKSON. That is a very high-minded statement, and I am in large part in agreement with you, but it is not responsive to my question. Do you think that we have been handicapped as a Nation, have our defenses been handicapped by the theft of secret documents by Soviet agents from the files of our agencies and departments?

Dr. SPERLING. I couldn't know those facts and I wouldn't depend on that. I have no military information.

Mr. JACKSON. Let me tell you that a document is marked "Top secret" because it is presumed to be information it is only for those in the department or agency directly concerned, and that a theft of a confidential or top-secret document, and its subsequent photographing and transmittal to an embassy of the Soviet power is something more than the evidence of boyish precociousness. It is a very dangerous situation which has been going on, and it is one of the reasons why this committee, not the judicial, and not the executive branch of the Government, but the legislative branch of Government, and the House Committee on Un-American Activities was largely responsible for sending Alger Hiss to prison. I have no further questions.

Mr. WOOD. Any further questions?

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Any reason why the witness should not be excused?

Doctor, I express my appreciation for your kindness.

Dr. SPERLING. Thank you, very sincerely.

(The witness was excused.)

Mr. TAVENNER. Dr. Walter Kempler.

Mr. WOOD. Will you raise your right hand and be sworn? Do you solemnly swear the evidence you shall give the subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. KEMPLER. I do.

Mr. WOOD. Have a seat.

Mr. NEUSOM. This witness requests of the committee that the photographers take their pictures and allow him to testify without interruption.

Mr. WOOD. Any pictures you desire to make will please be made now, and I believe the counsel are those same counsel as heretofore, with the exception of the last witness.

Mr. NEUSOM. That is correct.

**TESTIMONY OF DR. WALTER KEMPLER, ACCOMPANIED BY
COUNSEL, DANIEL G. MARSHALL, THOMAS G. NEUSOM, AND
ROBERT W. KENNY**

Mr. TAVENNER. What is your name, please, sir?

Dr. KEMPLER. Walter Kempler.

Mr. TAVENNER. Will you spell your last name?

Dr. KEMPLER. K-e-m-p-l-e-r.

Mr. TAVENNER. When and where were you born, Doctor?

Dr. KEMPLER. In 1923, in New York City.

Mr. TAVENNER. Are you now resident of Los Angeles?

Dr. KEMPLER. I am.

Mr. TAVENNER. How long have you been in Los Angeles as a resident?

Dr. KEMPLER. Since 1947.

Mr. TAVENNER. What is your profession?

Dr. KEMPLER. Physician.

Mr. TAVENNER. How long have you practiced medicine in Los Angeles?

Dr. KEMPLER. Since 1948.

Mr. TAVENNER. Will you state briefly what your scholastic training has been for your profession?

Dr. KEMPLER. Yes. First, I was taught the principles of a good citizen by my parents and I learned in school, grade school, in New York and high school in Texas, the Constitution and its significance.

Mr. TAVENNER. Will you confine the rest of your answer please, to my question, as to what your scholastic training has been?

Dr. KEMPLER. I graduated with bachelor of science and the sciences from Texas College of Mines and Metallurgy, and from the University of Texas, and I received my M. D. degree.

Mr. TAVENNER. How long, I believe you stated that you have practiced in Los Angeles since 1948?

Dr. KEMPLER. That is correct.

Mr. TAVENNER. Doctor, have you any knowledge of the existence of a medical branch of the Communist Party in Los Angeles?

Dr. KEMPLER. I shall decline to answer that question or any similar question on the following grounds: I shall try to be brief. First of all, as a responsible citizen, I think to acquiesce to a question of this sort would capitulate what I know and understand of the first amendment of the Constitution. It would in essence be the issuance of thinking permits by this committee. I further decline to answer this question from my understanding that to condone this committee would be the same as aiding this committee in its destruction of human lives, and I mean American human lives. The activities of the Un-American Activities Committee have made employment in atomic energy research so undesirable that the full-time personnel are reaching a dangerously low level.

Mr. WOOD. You are reaching argument now, and you are in a field of argumentation. Please state your reasons.

Dr. KEMPLER. This is one of my reasons, and a very important reason to me. It is that the Atomic Energy Commission is in the field of research in cancer, one of our leading positions in solving this problem.

Mr. WOOD. I have held that that is argumentative, Doctor, and that is not a proper answer to the question that is asked of you.

Dr. KEMPLER. As a further ground I think that political supervision in the field of medicine has in the past and cannot help but reduce medical standards by its very nature, that no politician is qualified to cure heart disease or polio, or cancer or any other disease, and that they have no business in the profession attacking professionals, denying the right of patients to medical care of their choosing, doctors who are qualified to give this medical care on medical grounds. As a result of this we have seen patients——

Mr. WOOD. You are in argument again, now.

Dr. KEMPLER. I further decline on the grounds of the fifth amendment, the whole fifth amendment, the ninth and tenth amendments which were inserted in the Constitution to protect the sovereign rights of the individual.

Mr. TAVENNER. Are you now a member of the Communist Party, Doctor?

Dr. KEMPLER. The fact that you ask this question after my previous answer to me smacks of some sinister intent on your part.

Mr. WOOD. Doctor, please answer the question, or decline to answer it for the reason that you desire, without expressing your opinion of the motives.

Dr. KEMPLER. Can you explain to me the basis for asking a question like this, after I have just answered a similar question?

Mr. WOOD. To try to solicit information from you.

Dr. KEMPLER. I have just advised the counsel that I would not in any way aid this committee in invading the minds of the American people.

Mr. WOOD. We understood that.

(The witness conferred with his counsel.)

Dr. KEMPLER. I shall decline to answer that question on the same grounds, keeping in mind the fact that in claiming this privilege I have not in any way admitted any guilt. This, I believe, is in the appellate court decision of last year.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. KEMPLER. The same question and the same answer and the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Are there any questions? Any reason why the witness shouldn't be excused from further attendance on the committee?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(The witness was excused.)

Mr. TAVENNER. I will call Dr. Arthur Lishner.

Mr. LISHNER. I wish to correct that. I don't happen to be a doctor but I am very happy to be associated with the doctors that have appeared here.

Mr. WOOD. You swear that the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LISHNER. I do.

I would like to have all pictures taken now and not during testimony, if you please.

Mr. WOOD. That will be done.

**TESTIMONY OF ARTHUR LISHNER, ACCOMPANIED BY HIS COUNSEL,
DANIEL G. MARSHALL, THOMAS G. NEUSOM, AND ROBERT W.
KENNY**

Mr. TAVENNER. What is your name, please, sir?

Mr. LISHNER. Arthur Lishner.

Mr. TAVENNER. Let the record show you are represented by the same counsel as the former witness.

Mr. LISHNER. Very able counsel.

Mr. TAVENNER. When and where were you born?

Mr. LISHNER. In the city of Chicago, Ill.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. LISHNER. I am.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. LISHNER. I have lived in Los Angeles approximately 30 years, a year or two more or less.

Mr. TAVENNER. What is your profession?

Mr. LISHNER. My profession is that of a pharmacist, registered pharmacist.

Mr. TAVENNER. How long have you been engaged in work as a pharmacist in Los Angeles?

Mr. LISHNER. Approximately 20 years.

Mr. TAVENNER. What has been your training?

Mr. LISHNER. I graduated from public school system in Los Angeles, and a graduate of the University of Southern California, School of Pharmacy.

Mr. TAVENNER. Did you ever attend a Communist workers' school?

Mr. LISHNER. Is that the question?

Mr. TAVENNER. Yes, sir.

Mr. LISHNER. I would decline to answer that question on the following grounds: In My Day, that is because you have named a political organization that you have listed in your book and I notice in reading through the list of organizations that you have listed there a number of allegedly Communist organizations, and many of those organizations were gleaned from the lists in California specifically, from the list of Jack Tenney, Un-American Activities Committee, the California State Un-American Activities Committee headed by Jack B. Tenney, and I think by this time everyone should be aware of what Mr. Tenney is, and now the vice presidential candidate on the Fascist Party.

Mr. WOOD. You are in the field of argument.

Mr. LISHNER. I think that is a valid argument.

Mr. WOOD. I am holding that it is argumentative, and it is not proper answer to the question.

Mr. LISHNER. I will continue, because I believe that this is a violation of my rights of trying to somehow connect me or make me guilty by association, and under the first amendment to the Constitution the right of freedom of speech and the right of association and the right of assembly and the right of press is guaranteed.

I also further decline to answer this question on the grounds of the ninth and tenth amendments and the grounds of the fifth amendment, and I say that in full meaning of the full text of the fifth amendment.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. LISHNER. I think this is pretty much the same question, and this is one prescription which I will not help compound, the question of feeding this committee and helping them——

Mr. WOOD. What is your answer?

Mr. LISHNER. I refuse to answer on the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. LISHNER. I must refuse to answer on the same grounds and the additional grounds that I will not supply the adrenalin to this committee that so many informers have supplied in the past to keep this committee alive and I refuse on the same grounds previously stated.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. I am quite certain that it is the attitude of the people such as you are that has kept this committee alive. It has made it necessary for the committee to continue in its work.

Mr. LISHNER. Do you believe it is the duty of this committee in keeping itself alive by causing these people to lose jobs, and I want to tell you something that I don't think that Mr. Doyle, particularly, would like to hear. I was sitting back there the day before yesterday and I heard a man say—because the scavengers that follow in the wake of this committee, is a horrible part of this committee——

Mr. WALTER. We reached the same conclusion.

Mr. LISHNER. —“I caused Reuben Ship to lose his job in New York. I found out where he was working, and I don't know who Reuben Ship is, and he was discharged.” And this man followed all of the way to New York, no official of this committee, and he had his job taken away from him.

Mr. WOOD. Let us confine ourselves to the questions asked you, without quoting people that you don't even know the names of.

Mr. WOOD. Any more questions?

Mr. VELDE. What is your place of business here?

Mr. LISHNER. It is in Los Angeles.

Mr. VELDE. Do you have more than one?

Mr. LISHNER. No; I don't

Mr. VELDE. That is all.

Mr. JACKSON. I have no questions.

Mr. WOOD. Any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. WOOD. That is all.

(The witness was excused.)

Mr. WOOD. The committee will stand in recess until 10 o'clock Monday morning.

(Discussion off the record.)

Mr. WOOD. This is evidence being taken purely for the accommodation of the witness and his counsel. The subcommittee to hear this consists of Mr. Walter, Mr. Velde, and myself as chairman.

Will you stand and be sworn? Do you solemnly swear that the evidence you shall give this subcommittee shall be the truth, the whole truth, and nothing but the truth, so help you God?

Dr. DRUCKMAN. I do.

I would like to state that I appreciate this courtesy.

Mr. TAVENNER. Let the record show that the witness is represented by the same counsel as the former witnesses.

**TESTIMONY OF DR. S. SIDNEY DRUCKMAN, ACCOMPANIED BY HIS
COUNSEL, ROBERT W. KENNY, DANIEL G. MARSHALL, AND
THOMAS G. NEUSOM**

Mr. TAVENNER. What is your name, Doctor?

Dr. DRUCKMAN. S. Sidney Druckman.

Mr. TAVENNER. When and where were you born?

Dr. DRUCKMAN. I was born in New York City in the year 1918, on February 18.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Dr. DRUCKMAN. Yes; I am.

Mr. TAVENNER. How long did you live in Los Angeles?

Dr. DRUCKMAN. Since 1935.

Mr. TAVENNER. What is your profession?

Dr. DRUCKMAN. I am a physician.

Mr. TAVENNER. How long have you practiced medicine in Los Angeles?

Dr. DRUCKMAN. I have practiced medicine in Maywood, Calif., a suburb of the county, a part of the county, since 1944.

Mr. TAVENNER. Briefly, what has been your scholastic training for your profession?

Dr. DRUCKMAN. I attended the public schools in New York City, received my bachelor of science degree at the University of Arkansas, and master's degree in science at the University of California in Los Angeles, and my degree in medicine at the College of Osteopathic Physicians and Surgeons in Los Angeles.

Mr. TAVENNER. Doctor, the committee is investigating the extent and the character of an alleged organization known as the Medical Branch of the Communist Party, in Los Angeles, said to have been limited in membership to members of the medical profession. I would like to ask you if you know of the existence of such an organization and if you do I desire to ask you regarding what you know of its formation and its purposes.

Dr. DRUCKMAN. I shall be brief and to the point. I decline to answer that question. The views expressed by various predecessors on the witness stand could not be possibly said by me with any further degree of clarity, and I wish to state that I am in full accord with those views and principles and I could do no other, to take no other view in true conscience as an American, of which I am very proud, and therefore I decline to answer that question on the basis of the first and fifth and ninth and tenth amendments to the Constitution.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. DRUCKMAN. I give you the same answer, the same reasons, on the same grounds.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. DRUCKMAN. The same answer, on the same grounds.

Mr. TAVENNER. I have no further questions.

Mr. WOOD. Mr. Walter, any questions?

(Representative Donald L. Jackson entered the hearing room.)

Mr. WOOD. There is no reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. WOOD. It is so ordered.

(Whereupon, at 4:20 p. m., the hearing was recessed until 10 a. m., Monday, October 6, 1952.)

COMMUNIST ACTIVITIES AMONG PROFESSIONAL GROUPS IN THE LOS ANGELES AREA

MONDAY, OCTOBER 6, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10 a. m., in room 518, Federal Building, Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle (presiding) and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; William A. Wheeler, investigator, and John W. Carrington, clerk.

MR. DOYLE. Let the record show that the subcommittee duly constituted by Chairman Wood under Public Law 601 is here, with Committee Member Jackson of California and Committee Member Clyde Doyle of California, with Congressman Doyle acting as subcommittee chairman.

I think it appropriate again to say that this subcommittee will not tolerate any applause or disturbance either in approval or adverse to any witness' testimony. I ask the officers, if such occurs, to cordially invite the person causing it to leave the room.

I wish to say, also, that the subcommittee will cooperate with the witnesses and their counsel so that the testimony can be put on as expeditiously as possible.

If any of the witnesses have prepared statements, I am sorry but we will not have time to hear the witnesses read them by they are invited to file them with us.

I will reiterate again what our distinguished chairman, John Wood, said last week when he was here: That we will not have time in justice to the other witnesses to allow any witness to take more than his reasonable share of time; and, therefore, I will not be in a position to allow the witnesses to argue their testimony.

I will go the limit to allow any and every witness to give his reasons, but not arguments in support thereof. I am sure that that would meet with the approval of counsel.

Are you ready, Mr. Tavenner?

MR. TAVENNER. Yes, sir. I would like to call Dr. Barker.

MR. DOYLE. Dr. Barker, will you please raise your right hand and state after me, "I solemnly swear the testimony I will give this committee shall be the truth, the whole truth, and nothing but the truth, so help me God." Do you so swear?

Dr. BARKER. I so swear.

Mr. DOYLE. Will you be seated?

**TESTIMONY OF ONER B. BARKER, JR., ACCOMPANIED BY HIS
COUNSEL, THOMAS G. NEUSOM**

Mr. TAVENNER. What is your name, please?

Dr. BARKER. Oner B. Barker, Jr.

Mr. TAVENNER. Will you spell the first name?

Dr. BARKER. O-n-e-r.

Mr. TAVENNER. Are you represented by counsel?

Mr. NEUSOM. He is; Thomas G. Neusom.

Mr. TAVENNER. Where do you reside, Doctor?

Dr. BARKER. I live in Los Angeles; at the present time I am in the Army.

Mr. TAVENNER. I am sorry; we can't quite hear you.

Dr. BARKER. My permanent home is in Los Angeles. At the present time I am in the Army.

Mr. TAVENNER. Where are you stationed in the Army?

Dr. BARKER. Camp Roberts.

Mr. TAVENNER. How long have you been stationed at Camp Roberts?

Dr. BARKER. Since May of 1951.

Mr. TAVENNER. In what rank or position are you?

Dr. BARKER. I am a captain.

Mr. TAVENNER. What rank or position do you hold there?

Dr. BARKER. Captain in the Medical Corps.

Mr. TAVENNER. How long have you been an officer in the Medical Corps?

Dr. BARKER. Approximately 21 months.

Mr. TAVENNER. Would you raise your voice a little?

Dr. BARKER. Approximately 21 months.

Mr. TAVENNER. Prior to that time, were you in the Army?

Dr. BARKER. I was not.

Mr. TAVENNER. What is your profession?

Dr. BARKER. Medical profession.

Mr. TAVENNER. What has been your scholastic training for the practice of medicine?

Dr. BARKER. I went to grammar school and high school and the University of Los Angeles and Medical Corps at Howard University in Washington, D. C.

Mr. TAVENNER. I believe I asked you this question before, but I am uncertain as to what your answer was: Were you in the Army in any capacity prior to 21 months before this date?

Dr. BARKER. Yes; I was. I was in the ASTP during part of my medical-school training.

Mr. TAVENNER. Will you tell us what those initials mean?

Dr. BARKER. Army specialist-training program.

Mr. TAVENNER. During what period of time were you in that program, or did you take part in that program?

Dr. BARKER. From 1942 to 1945; the exact dates I don't remember.

Mr. TAVENNER. Will you explain more in detail what that program consisted of?

Dr. BARKER. At the time I was in medical school, having been admitted in 1942 during the Second World War, and the Army at that

time was taking over many of the students who were qualified and could qualify as soldiers, and taking over their education, I was one of those students.

Mr. TAVENNER. And then part of your education, at least, was paid for by the Government?

Dr. BARKER. Part of it was.

Mr. TAVENNER. How long a period of time was it that you were in that school or received the benefits of that program?

Dr. BARKER. Twenty-one months.

Mr. TAVENNER. Over what period of time did that consist; was that the last 21 months?

Dr. BARKER. It was the latter 21 months of the total period; that is, I believe it was June of 1942 to September 1945. I am not clear about those dates.

Mr. TAVENNER. The approximate dates are satisfactory.

Have you been continuously in the armed services since 1945 to the present time?

Dr. BARKER. I have not.

Mr. TAVENNER. What period of time were you not in the military service?

Dr. BARKER. The Army requested that I need not be in the services as a Reserve officer since, as I understood it, at the time, Negro doctors were not being used during the period from 1945 after the end of the war—up until, I believe, 1948 or 1949. So, they asked me to resign my commission.

Mr. TAVENNER. But you were held in reserve during that period?

Dr. BARKER. I was not.

Mr. TAVENNER. As a Reserve officer?

Dr. BARKER. I was not.

Mr. TAVENNER. You were not?

Dr. BARKER. No. They requested that I resign because Negro officers were not being used.

Mr. TAVENNER. And I heard you say that the first time.

Did you get an official notification of any such thing? If you have, I would like for you to present it.

Dr. BARKER. I have no official notice of it at hand.

Mr. TAVENNER. What did you say? Will you speak a little louder, please?

Dr. BARKER. I have no official notice at hand.

Mr. TAVENNER. Well, do you have any anyplace?

Dr. BARKER. No; I don't have anything.

Mr. TAVENNER. Did you ever have any such official notice?

Mr. NEUSOM. Excuse the witness for a moment, please.

(The witness conferred with his counsel.)

Dr. BARKER. What kind of official notice are you referring to?

Mr. TAVENNER. I am asking you what kind of official notice you received.

Dr. BARKER. The official notice that I received was to resign.

Mr. TAVENNER. There was nothing on that—

Dr. BARKER. Asking me for my resignation.

Mr. TAVENNER. But there was nothing connected with that official notice that indicated to you in any way that you were asked to resign because of your color or your race; was there?

Dr. BARKER. Not on the official notice; no, sir.

Mr. TAVENNER. As a matter of fact, many doctors of the Negro race were retained in the service; were they not?

Dr. BARKER. Not to my knowledge at that time.

Mr. TAVENNER. Now, during the period from 1945 to 1948, did you engage in the practice of medicine in Los Angeles?

Dr. BARKER. Yes; I did.

Mr. TAVENNER. During the course of the hearings on the subject of the organization of Communist Party cells within the professions, you were identified by Dr. Louise Light as being a member of the medical branch of the Communist Party in Los Angeles. Is that true, or rather is it true that you were a member of the medical branch of the Communist Party in Los Angeles?

(The witness conferred with his counsel.)

Dr. BARKER. I decline to answer this question on the basis of the privilege granted me by the fifth amendment.

Mr. TAVENNER. Upon your return to Army service, did you sign Forms 98 and 98-A, which contain a question as to whether or not you had ever been a member of the Communist Party?

Dr. BARKER. I decline to answer this question for the same reasons as before.

Mr. TAVENNER. At the time you assumed your position as a captain in the Medical Corps at Camp Roberts, were you a member of the Communist Party?

Dr. BARKER. Will you repeat the question?

Mr. TAVENNER. The question was: At the time you became captain in the Medical Corps at Camp Roberts, were you a member of the Communist Party?

Dr. BARKER. Was I a member of the Communist Party?

Mr. TAVENNER. Yes; at that time?

Dr. BARKER. I decline to answer that question for the same reason.

Mr. TAVENNER. Are you now a member of the Communist Party?

Dr. BARKER. I decline to answer that question for the same reason.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Dr. BARKER. I decline to answer that question for the same reason.

Mr. DOYLE. May I ask that you state the reasons in your last answer as to why you decline to answer? I do not think that you gave your reasons.

Mr. NEUSOM. He stated for the same reasons. If it is not clear, I will have him state the answer again.

Dr. BARKER. Under the reasons granted me under the privilege of the fifth amendment.

Mr. DOYLE. Have you any questions?

Mr. JACKSON. No.

Mr. DOYLE. I have no questions. Is there any reason why the witness should not be excused?

Mr. TAVENNER. No, sir.

Mr. DOYLE. You are excused. Thank you.

(The witness was excused.)

Mr. TAVENNER. I will call Mr. Leon Turret.

Mr. MARSHALL. The witness prefers that he not be photographed at all.

Mr. DOYLE. I am wondering, Counsel, if we have a right to exact that, and I think that we have a right to exact that he shall not be

photographed after he has taken his oath, or while he is testifying.

Mr. MARSHALL. We have made the request, but it now appears to have become moot, Congressman, but our position is still the same.

Mr. DOYLE. Will you please rise? You solemnly swear the evidence you give this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TURRET. I do.

TESTIMONY OF LEON TURRET, ACCOMPANIED BY HIS COUNSEL, THOMAS G. NEUSOM, AND DANIEL G. MARSHALL

Mr. TAVENNER. Will you please state your name and the name of your counsel, for the record?

Mr. TURRET. My name is Leon Turret, T-u-r-r-e-t.

Mr. MARSHALL. Counsel are Thomas Neusom and Daniel G. Marshall.

Mr. TAVENNER. What is your name, please, sir.

Mr. TURRET. Leon Turret.

Mr. TAVENNER. Will you please spell the last name?

Mr. TURRET. T-u-r-r-e-t.

Mr. TAVENNER. When and where were you born?

Mr. TURRET. I was born in New Jersey on November 3, 1909.

Mr. DOYLE. Just a moment. May I interrupt, please?

Let us have the cooperation of the press, and please do not take any pictures of any witness after he begins to testify. I am sure that is a fair request.

Mr. MARSHALL. There is objection from the press row to the rule.

Mr. DOYLE. I mean unless there is some apparent emergency?

Mr. MARSHALL. They anticipate that.

Mr. TURRET. You won't have any trouble with me.

Mr. TAVENNER. When and where were you born? I believe you have answered that.

Mr. TURRET. You want me to repeat that answer?

Mr. TAVENNER. No; if you have answered it, I will take your word for it.

Are you a resident of Los Angeles?

Mr. TURRET. I am.

Mr. TAVENNER. How long have you been a resident of Los Angeles?

Mr. TURRET. I have resided in Los Angeles since 1942.

Mr. TAVENNER. What is your profession?

Mr. TURRET. I am an attorney duly admitted to the bar of the State of California and the State of New York.

Mr. TAVENNER. How long have you been engaged in the practice of law in California?

Mr. TURRET. I was admitted to practice before the bar of the State of California since 1944.

Mr. TAVENNER. Will you please state briefly what your scholastic training has been for your profession?

Mr. TURRET. I attended grade schools, high school, Columbia University for my prelaw work, and graduated from the New York Law School with an LL. B. degree.

Mr. TAVENNER. Mr. Turret, there has been testimony before this committee by Mr. David Aaron, and by Mr. A. Marburg Yerkes, identifying you as a member of a cell of the Communist Party in Los

Angeles which was confined in its membership to members of the legal profession. I want to ask you whether or not you were correctly identified as a member of that group, and, if so, to tell the committee the circumstances under which it was organized, and its objectives, if you know.

(The witness conferred with his counsel.)

MR. TURRET. I decline to answer for the following reasons: I believe that the committee has no right to delve into my own political beliefs or associations. I believe that if I were to answer this question I would be committing an illegal act in breaking the meaning and the intent of the Bill of Rights as set forth in the first amendment of our Constitution, which affords the privilege and the duty of every citizen to uphold our Constitution, and any attempt on the part of this committee to delve into my own thinking processes, and my own associations, will be vehemently objected to here.

For the further reason that I feel that I shall invoke the privilege afforded me by the fifth amendment of the United States Constitution not to bear witness against myself, and for the further reasons that the question is in violation of the ninth and tenth amendments of the United States Constitution, and for all of the reasons aforesaid I decline to answer the question.

MR. TAVENNER. Mr. Turret, the Washington Evening Star of October 30, 1951, contains an advertisement in the form of an open letter to the Attorney General of the United States on behalf of four trustees of the bail fund of the Civil Rights Congress, who had been sentenced to jail for contempt. The advertisement was paid for by contributions of the signers, and your name appears as one who signed the open letter. Do you recall that?

(The witness conferred with his counsel.)

MR. TURRET. I decline to answer for the reasons heretofore given.

MR. TAVENNER. Have you any knowledge concerning the use of bail bonds or the collection of funds by the Civil Rights Congress or contributions for bail-bond purposes?

(The witness conferred with his counsel.)

MR. TURRET. I decline to answer for the same reasons heretofore given.

MR. TAVENNER. Are you now a member of the Communist Party?

MR. TURRET. I decline to answer for the reasons heretofore given.

MR. TAVENNER. Have you ever been a member of the Communist Party?

MR. TURRET. The same answer for the same reasons.

MR. TAVENNER. On the same grounds?

MR. TURRET. Yes.

MR. TAVENNER. I have no further questions, Mr. Chairman.

MR. DOYLE. Any questions, Mr. Jackson?

MR. JACKSON. I have no questions.

MR. DOYLE. Mr. Turret, I would like to ask you one question. Have you this morning, as you began to testify, taken any oath in this hearing room other than the ordinary oath which is taken by a witness in our courts to testify; I mean "to tell the truth, the whole truth, and nothing but the truth, so help you God"?

(The witness conferred with his counsel.)

MR. TURRET. We are a little bit confused, Congressman Doyle, as to the meaning of your question, if you will kindly—

Mr. DOYLE. You have not been asked by any member of the committee or any investigator on behalf of the committee to take any oath excepting the one that you gave this morning before you began to testify; were you?

Mr. MARSHALL. May we have the reporter read that?

(Question was read by the reporter.)

Mr. TURRET. I have not taken any other oath.

Mr. DOYLE. Now, may I say to counsel for the witness—and I say to all of the lawyers in the courtroom—a few moments ago there was a printed letter over the signatures of certain members of the legal profession in the State of California, primarily from Los Angeles. I do not have that letter before me, but I received one. In fact, I received half a dozen copies from lawyers and others who had received it. That letter expressly charged that the Un-American Activities Committee was proposing to put witnesses before it under a different and auxiliary or supplemental oath before they began to testify.

Now, I will insert that in the record of these hearings, and I wish to say to any member of the bar here, or any member of the Los Angeles bar who signed that letter, and I think some of you are in the hearing room, as I recall, that I invite you to make good your statements in that letter which was pretty well broadcast. That was several months ago when it looked as though we would come to Los Angeles at that time instead of now. I invite you, and I urge you men who signed that letter to make good your statements in that letter which was sent through the United States mail.

Mr. MARGOLIS. Is this an invitation to anybody, Mr. Doyle?

Mr. DOYLE. Anybody who signed the letter or anyone else who can prove that such an oath was asked to be taken by witnesses before this committee.

Mr. MARGOLIS. Everybody before this committee has been——

Mr. DOYLE. I am not inviting you at this time.

Mr. MARGOLIS. I thought you were inviting anybody.

Mr. DOYLE. I am not inviting you at this time.

Mr. MARGOLIS. I would be glad to answer that question.

Mr. TURRET. Can we take a look at this letter?

Mr. DOYLE. I do not have the letter at this time.

You are excused, if there are no other questions.

(The witness was excused.)

Mr. JACKSON. At this time, Mr. Chairman, I am in receipt of a letter from the American Jewish League Against Communism, Los Angeles Chapter, which I should like to have permission to introduce into the record in connection with these hearings and some of the charges that have been made.

Mr. DOYLE. Without objection it will be included in the record.

(The letter referred to follows:)

HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES,

Los Angeles, Calif.

DEAR SIR: In his statement before the House Committee on Un-American Activities Dr. Alexander Pennes testified that good Jewish tradition not only held informers in abhorrence but even denied them burial in hallowed ground.

Dr. Pennes was following the familiar Communist "line." That line is to plant anti-Semitism where it will do the most harm and by sowing suspicion among religious groups, create disunity and thus weaken the religious forces opposed to communism.

A tragic period in the Jewish past was responsible for this detestation of the informer but for reasons far different from those Dr. Pennes led people to

believe. The Jewish Nation was ground under the heel of Roman tyranny. Rome had issued an edict forbidding on pain of death the ordination of rabbis and teachers and the teaching of religion to Jewish youth. Jews loyal to their religion defied the edict. Rome resorted to informers to ferret out and bring to their death those who defied a cruel and conscienceless tyrant. Informers in league with tyranny were hated and abhorred.

Jews have always applauded those who did all they could to defeat tyranny. The vast majority of American Jews are devoted to their country's cause—the cause of truth and freedom. They resent the renegade who presumes to speak in the name of Judaism and they abominate apostates who serve the cause of Communist tyranny. They heartily approve of the committee's zeal in exposing those who seek to undermine American security.

(Signed) MAX J. MERRITT,
Executive Director.

Mr. MARGOLIS. Mr. Chairman, the other day Mr. Jackson asked that no penalties be imposed upon a witness or the wife of a witness who had testified, and may I ask that the chairman give assurance that he will make the request that no penalties be imposed upon the witnesses that we represent, because of their appearance before the committee, and because of their answers, and their testimony before this committee.

Mr. JACKSON. May I ask a question in that connection? Have the witnesses to whom you refer been identified as members of the Communist Party under sworn testimony?

Mr. MARGOLIS. I don't know the answer to that, but is it your position that if they have been so identified, that penalties should be imposed upon them, Mr. Jackson?

Mr. JACKSON. Not necessarily at all.

Mr. MARGOLIS. Will you give assurances that you will not ask for penalties to be imposed upon them and the fact that you will protect them against any penalties which are attempted?

Mr. JACKSON. I have asked, Mr. Margolis, that no penalties be inflicted upon any witness who has appeared before this committee.

Mr. MARGOLIS. That means you are opposed to the blacklist, Mr. Jackson, in Hollywood?

Mr. JACKSON. If, Mr. Margolis, this witness or any other witness has a wife who had no knowledge of his association in the Communist Party, and it is apt that that knowledge, when it becomes public, will result in reprisals against his wife, I shall be very happy to make the same statement that I made in connection with Mrs. Vinson.

Mr. MARGOLIS. By that you infer that otherwise you wish penalties to be imposed?

Mr. DOYLE. We will proceed in due course with this hearing at this point, please.

I think, Mr. Stone, I have not asked you to be sworn yet.

Will you rise. You solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. STONE. I do.

TESTIMONY OF EUGENE R. STONE, ACCOMPANIED BY HIS COUNSEL, BEN MARGOLIS AND THOMAS G. NEUSOM

Mr. DOYLE. Will you please state your name and the name of your counsel?

Mr. STONE. My name is Eugene R. Stone, S-t-o-n-e, and the name of my counsel is Ben Margolis and Mr. Thomas Neusom.

Mr. TAVENNER. When and where were you born, Mr. Stone?

Mr. STONE. I was born in Quincy, Ill., in 1905.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. STONE. I am.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. STONE. Approximately 27 years.

Mr. TAVENNER. What is your occupation or profession?

Mr. STONE. I am a writer by profession.

Mr. TAVENNER. How long have you been engaged in work as a writer?

Mr. STONE. I have been engaged as a writer off and on since 1933.

Mr. TAVENNER. Briefly what has been your educational training?

Mr. STONE. I attended grammar schools in towns in the Middle West, such as Quincy, Ill., Rock Island, Ill., Mark Twain's birthplace, Hannibal, Mo., and incidentally, if Mark Twain were alive today, he would be very high on your list of subversive ideas in Huckleberry Finn.

Mr. DOYLE. Will you please answer the question and do not volunteer anything that is immaterial?

Mr. STONE. My formative education as a result of the churches I attended, and the schools I went to, and the friends I played games with, and the books I read, and from all of these experiences, I came to get a concept of America and it was a very wonderful concept to me, and I never thought then that I would be sitting here today defending that America from a group of men who are trying to destroy it.

Mr. DOYLE. Now, Mr. Stone, I wish to say to you that if you repeat arguments again, I will strike them from the record.

Mr. STONE. My further education, I attended Drake University in Des Moines, Iowa, for one semester, and I came to Los Angeles, and I went to the University of California at Los Angeles, and graduated from that university with an A. B. degree.

Mr. TAVENNER. Mr. Stone, there has been testimony before the committee by Mr. Vinson, and also by Mr. Marion that there was a Communist Party cell organized within radio, that they were both members of that cell, and in fact one of them, Mr. Vinson, was the treasurer and collected the dues. Mr. Vinson testified he collected Communist Party dues from you, as a member of that organization. Mr. Marion also identified you as a member. Was that identification true or was it false?

Mr. STONE. I shall of course refuse to answer that question, and I would like to state my grounds.

First, this committee has no right to ask this question because you are doing by indirection what Congress is expressly forbidden by the Bill of Rights to do directly.

Second, I must protest the slander of this committee, and its persecution by publicity which will prevent me and has prevented me from working in my chosen profession and has blacklisted me, and many others, and not only robbed me and these other men and women of their livelihood, but it has robbed the American people of the cultural contributions that these people might make.

My third reason is because of the nature of this committee, and it is the nature of this committee that has determined my legal position here today. I believe that this committee is diametrically opposed to

the interest of the American people. I think that it struggles, desperately, if unsuccessfully, to sabotage just about every honest desire and need of the American people, whether it is for peace, for decent wages, for a decent life, for a full, real full equality for all Americans and not just lip service to this idea, and just about everything that has made America the place that we have come to love.

Now, that I think is a pretty serious charge to make to this committee, and I would like to document it, if I may.

Mr. DOYLE. I am not going to permit you to be argumentative. I have let you go far in that field, and I see you have notes before you and that is all right, but if you get argumentative I will strike it from the record and restrict you to your reasons; rather than argument.

Mr. STONE. By my mere appearance before this committee, Mr. Doyle, by the big lie that you have raised, you have equated an uncooperative witness with a conspiracy with a foreign power and all sorts of other things. I think that I have a right as an American citizen who is being slandered here today to briefly state the reasons why I do not intend to cooperate with this committee, and that is all I am asking of this committee.

Mr. DOYLE. That is what we want you to give us, your fair and sound reasons.

Mr. STONE. I am basing my refusal to cooperate with this committee not just on my opinion, but on actual statements that have been made by this committee, past and present, and by actions of this committee past and present. During the depression when the Government under Roosevelt which is called the New Deal was trying very hard to cope with the real problems of the American people, of unemployment, starvation, and hopelessness, it was Mr. Dies of this committee who said, "If democratic government——"

Mr. DOYLE. Just a moment. Mr. Dies is not a member of this committee and has not been for years, and if you insist on being argumentative, I will strike it from the record, and I think it is only fair to tell you so, and now please cooperate that the other witnesses also shall have a reasonable time.

Mr. STONE. I am not taking a long time, and it seems to me that this committee must live with its past, unless it repudiates the past.

Mr. DOYLE. Now, Mr. Stone, we are perfectly willing to live with ourselves.

Mr. STONE. Then may I state just a few things?

Mr. DOYLE. I will not permit you to be argumentative and that is a fair statement and please cooperate. I want to cooperate with you, but we have a heavy day's work ahead of us.

Mr. STONE. Mr. Dies said——

Mr. DOYLE. I will strike it from the record, and I want you to give your reasons.

Mr. STONE. May I discuss it with my counsel?

Mr. DOYLE. Do not go back on Dies, and Dies is not on this committee, and has not been for years. Furthermore, he was never on this committee. He was on a temporary committee of Congress, and not on this committee that is before you.

Mr. STONE. By the trick of labeling my testimony argument, you are preventing me from stating my honest reasons for not cooperating with this committee, and I think the American people are entitled to

know why an American is not cooperating with this committee, and I ask for that privilege, and I will be very brief if you will stop interrupting me, Mr. Doyle. These interruptions are taking more time than my whole testimony would have taken.

Mr. DOYLE. I am not going to let you violate the rules of the committee, and I do not mean to be discourteous, but I will not permit you to violate it, and you might just as well understand it, and that goes for every witness while I am subcommittee chairman.

(The witness conferred with his counsel.)

Mr. DOYLE. I am going to be firm, and I am going to try to be fair.

Mr. STONE. Well, I must say I think this is a very strange behavior for an American legislative body, and if you want to throttle me and not give me a chance to state the truth here, I don't know how I can be a very good witness. I am basing my legal position and the stand I take on this committee is based directly upon the actions, past and present, and the past actions have never been repudiated by the present committee, and I must claim the right to state my reasons for the answer I am giving to this question.

I will not permit you to use any tactics, Mr. Doyle, which takes away my rights as an American.

Mr. DOYLE. I do not intend to, but I intend to observe the rules of the committee, and I expect you to do the same. I am not going to allow you to quote Dies. Dies was never a member of this duly constituted committee.

(Statement by the witness was ordered stricken from the record.)

Mr. STONE. One of my reasons for not answering the question is that the chairman of this committee is from a State in which large sections of the people are not allowed their political and economic equality because of the color of their skin, and I think that this is un-American and I refuse to cooperate with this type of un-Americanism.

Another member of the committee, Congressman Jackson, has consistently baited the Bill of Rights, and I refuse to be a party to this type of attack upon the Constitution.

Mr. Velde, who is at present a member of this committee, has introduced a bill in the Congress, a book branding bill, which would make Hitler dance in his grave. By this bill, the Librarian of Congress has the right to brand any book that he sees fit as subversive. Now, if there is anything American about that, I would like to have this committee explain it to me, and in this the sum total is the type of thing which I do not intend as a good American to cooperate with you here today.

Further, this committee, by manufacturing the big lie, has raised scare words in America today, the scare words of communism, socialism, radicalism, and that this is a label which can be applied to anything that is in the interest of the American people, whether it is a housing project which we have just seen here in Los Angeles, when the people who want to defeat the housing project did not know how to do it, they finally dragged out the old Communist label, and the fact that the people of Los Angeles need housing has nothing to do with the issue any more, whether or not—

Mr. DOYLE. Now, you know this committee has nothing to do with that housing problem. You are getting away—

Mr. STONE. I am talking about the kind of atmosphere—

Mr. DOYLE. Now, I will strike that sort of argument out, if you insist on taking the time of this committee for immaterial statements by you.

Mr. STONE. By raising these scare words, this committee has made it difficult and economically unsound for any American to speak for peace or for decent wages, or decent unionism, or for the rights of the Negro people or any other minorities, and I claim that this is a very un-American procedure.

Also, in 1949, this committee requested of all of the colleges in the United States a list of all of their textbooks in use. Now, I claim that this is in effect a form of intimidation and I would like to give one of the results of that action. In a survey made by Mr. Kalman Segal, a newspaperman, and this survey won the George Polk Memorial Poll for Educational Surveys, a survey of 72 major colleges in the United States, it was found that the students in this atmosphere have become reluctant to speak out in or out of the classroom on any controversial issue, reluctant to join any club, no matter what kind of a club it might be—many serio-comic jokes about “the committee will get you if you don’t watch out,” and they shy away from humanitarian causes because these causes may be labeled “Communist” or “Socialist,” and shy away from any association with the words “peace” and “freedom” because these words may be labeled “Communist” or “Socialist.”

Now, I submit that this is education for dictatorship and not education for democracy, and I say that this committee has helped very much to bring this condition about.

Mr. DOYLE. That is all argumentative, and I will leave it in the record, however, but the next time you propagandize along that line, I will stop you and strike it from the record.

Mr. STONE. You may call the truth propaganda if you like.

Mr. DOYLE. I am trying to cooperate with you.

Mr. STONE. My next reason is on the Bill of Rights, which was drawn up by men who were no strangers to tyrannies like this, and as a matter of fact, one might think that these men with some miraculous foresight had drawn up this Bill of Rights with this particular committee in mind. The Bill of Rights under the first amendment guarantees freedom of speech, and freedom of speech has no sense unless it guarantees freedom not to speak, especially when there is an unlawful invasion of the mind and conscience as is attempted by this committee, and I further refuse to answer this question under all of the provisions of the fifth amendment, and under the total concept of American democracy as I understand it.

Those are my reasons.

Mr. DOYLE. Are there any questions?

Mr. TAVENNER. Mr. Chairman, I have a question. I suggest that you direct the witness answer the question.

Mr. DOYLE. May we have the question?

Mr. JACKSON. It was a long time ago. What is the question, Mr. Counsel?

Mr. TAVENNER. I will repeat it as nearly as I can. There was testimony before the committee by Mr. Vinson and Mr. Marion that there existed a Communist Party cell within the radio industry, and that they themselves were members of that cell, and that Mr. Vinson was the treasurer and collected dues, and that Mr. Vinson testified he

collected dues from you as a Communist Party member of that group, and Mr. Marion also identified you as a member of that group.

My question was whether or not that testimony was true?

Mr. STONE. Mr. Tavenner, I have already refused to answer the question under the provisions of the fifth amendment, and are you directing me to answer it anyhow?

Mr. TAVENNER. If you included the fifth amendment, I didn't hear it.

Mr. STONE. I did include the fifth amendment, Mr. Tavenner.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. STONE. That is the same question, Mr. Tavenner, and I will give you the same answer.

Mr. JACKSON. For the same reasons?

Mr. STONE. Yes, for the same reasons.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. STONE. That seems to be the same question, Mr. Tavenner, and I will give you the same reasons and the same answer for the same reasons.

Mr. TAVENNER. Are you now executive secretary of the Arts, Sciences, and Professions Council?

Mr. STONE. Since the organization that you name, Mr. Tavenner, is one that has been smeared by this committee, it sounds incredible, but I believe there are some 1,000 organizations that this committee has smeared, among those which still insist upon their right to uphold the Constitution and to work for peace and free culture in this country, I refuse to answer the question for all of the reasons that I have previously given.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. I have no questions.

Mr. JACKSON. I have no questions.

Mr. DOYLE. Thank you, Mr. Stone.

(The witness was excused.)

Mr. DOYLE. The next witness, Mr. Tavenner.

Mr. TAVENNER. The next witness is Lynn Whitney. Is Lynn Whitney present?

Mr. ESTERMAN. I just advised the chairman that she would be here in a moment.

Mr. TAVENNER. All right. In order to save time, I would like to call another witness. I will call Mr. Harmon Alexander.

Mr. DOYLE. Mr. Alexander, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALEXANDER. I do.

Mr. DOYLE. Thank you. Will you have a chair, please.

TESTIMONY OF HARMON ALEXANDER, ACCOMPANIED BY HIS COUNSEL, THOMAS G. NEUSOM, WILLIAM B. ESTERMAN, AND BEN MARGOLIS

Mr. TAVENNER. What is your name, please, sir?

Mr. MARGOLIS. I thought we had an understanding no pictures would be taken while the witness was testifying.

Mr. DOYLE. Will you take the pictures and then do not interrupt the witness.

Mr. MARGOLIS. One of the men from the press box said that there was no such understanding, and may we have a statement from the Chair of the general principle that when a witness starts testifying no pictures will be taken?

Mr. JACKSON. I would be very much opposed to that unless the witness himself makes a positive affirmative request in that connection.

Mr. DOYLE. Let us leave it that way, and if the witness makes that request, that is the way it will stand.

Mr. TAVENNER. What is your name, please—excuse me.

Mr. ALEXANDER. May I request that the photographers not take pictures during the testimony?

Mr. DOYLE. Thank you.

Mr. TAVENNER. What is your name, please?

Mr. ALEXANDER. Harmon Alexander.

Mr. TAVENNER. Are you represented by counsel?

Mr. ALEXANDER. I am.

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. NEUSOM. Thomas G. Neusom, William B. Esterman, and Ben Margolis.

Mr. TAVENNER. When and where were you born, Mr. Alexander?

Mr. ALEXANDER. February 27, 1904, in New York City.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. ALEXANDER. I am a resident of Greater Los Angeles.

Mr. TAVENNER. How long have you been a resident of California?

Mr. ALEXANDER. About 15 years.

Mr. TAVENNER. What is your profession?

Mr. ALEXANDER. I am a writer.

Mr. TAVENNER. What briefly has been your training as a writer?

Mr. ALEXANDER. Scholastic training, you mean?

Mr. TAVENNER. Yes.

Mr. ALEXANDER. I was educated in the elementary schools and the high schools of New York City and I am a graduate of New York University, in the top third of my class, and I received a bachelor of science degree. I was awarded a fellowship and continued my studies and I was awarded a master of arts degree.

I also had a year of law, at Columbia University.

Mr. TAVENNER. In what field of writing are you principally engaged?

Mr. ALEXANDER. Radio.

Mr. TAVENNER. And how long have you been engaged in writing in the radio field?

Mr. ALEXANDER. From sometime around 1930, I guess.

Mr. TAVENNER. There has been testimony before this committee by Mr. Owen Vinson and by Mr. Paul Marion that there was a cell of the Communist Party organized within the radio industry, of which they were members. During the course of the testimony, Mr. Vinson testified that the Communist Party meetings of this unit were held in your home, and you were identified by both of those witnesses as having been a member of this group. I would like to ask you if you were a member of that group?

Mr. ALEXANDER. Standing on my rights under the Constitution, I decline to answer that question for the following reasons: First, I don't believe the committee has a right to ask the question because

under the first amendment of the Constitution it specifically states that Congress may not legislate in certain areas, including religion, speech, and association, and if Congress cannot legislate in these areas, it cannot investigate in these areas, since the purpose of the investigation is said to be legislation. I therefore decline to answer for that reason.

A second reason for which I decline is what I saw in this room the other day. You brought a stool pigeon to the stand and in the course of his testimony he named a score or more of people. He said they were good citizens, and he said that he knew something subversive about them, and he said he never heard them talk of force and violence. He said they were concerned primarily with improving their craft and improving their position in their craft.

It is common knowledge that anyone named before this committee as he named them loses his job immediately and can no longer earn a living in a profession that he worked many years to build up. It creates great economic hardship and anguish on him, and his family and on his family's family, and it spreads to many other associations and yet this man wrecked the lives of these people because, as came out in the testimony, he was promised that there would be no reprisals against his wife, which meant that she could continue to hold her job and could continue to support the stool pigeon.

Now, I say that this is a shocking display, and this was done with the connivance of the committee and encouraged by the committee. We talk about corruption in government. This is corruption of the soul.

MR. DOYLE. Now, may I ask your cooperation, please, in giving your reason? I think that you have dealt with that part of your reasons enough, do you not?

MR. ALEXANDER. Well, I think that this is the essential part of the reason that this corruption of the soul—

MR. DOYLE. No; you have given that reason, or argument. It is all argument, but I have let it go in, and now please cooperate and confine yourself to the reasons.

MR. ALEXANDER. This is the reason, and let me just say again, that I refuse to cooperate in extending that corruption and I refuse to allow you or give you any opportunity to corrupt my soul or anybody else's soul.

MR. DOYLE. Go ahead with your reasons for refusing to answer, if you have any further reasons.

MR. ALEXANDER. I have further reasons. Another reason is that a member of this committee, or let me say or put it this way—another reason is that this committee by its acts is killing the culture of this country. First of all, it is doing it by means of the blacklist.

MR. DOYLE. Now you are getting argumentative, and I want to leave whatever you say in the record, but it is argumentative purely.

MR. ALEXANDER. Well, Mr. Doyle, if this was not a fact, and if the committee did not do these things, my reason and my answering might be different.

MR. JACKSON. This is simply an opinion of the witness which is not shared, by and large, by the American people, Mr. Chairman, and I move that anything which represents his opinion solely be stricken from the record. We are after his constitutional reasons as set forth in the Bill of Rights for not answering certain questions.

Mr. ALEXANDER. In other words, if my opinion does not agree with the majority of the American people, it has no basis.

Mr. JACKSON. I do not care what your opinion is. You are entitled to your opinion, but that is not a legal reason for refusing to answer the question put to you by counsel. That is solely your personal opinion which I say I do not believe is shared by 98 percent of the American people, who have full confidence in the work of this committee.

Mr. ALEXANDER. They may not know all of the facts.

(The witness conferred with his counsel.)

Mr. ALEXANDER. My attorneys advise me that it is not within your power to state whether or not my reasons have a legal force or not, because the determination would be made by a court, and that many reasons which you may not think are legal, the court may find as legal grounds and many which you may think are legal grounds, the court may not.

Mr. JACKSON. That may be quite true, but this committee still has the right to strike any argument from the record so far as you are concerned, or any other witness, and you have been arguing the point here. I do not think that there is any question about it.

Mr. ALEXANDER. I do not understand what you mean by argument.

(The witness conferred with his counsel.)

Mr. ALEXANDER. This is a legal matter, and I am sorry I have to keep turning to my attorneys for legal advice.

Mr. DOYLE. May I say we want you to rely upon your attorneys' advice.

Mr. ALEXANDER. But I am told——

Mr. DOYLE. But I want to make it clear, also, to you and the counsel, that I am acting as subcommittee chairman, and I do not have to agree with what your attorneys may tell you, as far as presiding over this meeting is concerned, and I want to cooperate.

Mr. NEUSOM. I might just say that we too would like to cooperate, and the witness is giving his reasons for the record, and we are not asking or we are not trying to take a lot of time, but the witness feels within his conscience that he should have the right to state in the record these reasons which he feels and for that purpose we are trying to establish the record. I can understand that you may not agree with him that they are legal grounds.

Mr. DOYLE. We do not want any witness, Mr. Neusom, to feel he is violating his own conscience, but on the other hand, I am not going to be in a position to allow witnesses prepared to make long propaganda speeches to take the time of the committee and all of the other witnesses to make them. If you will confine your answers to reasons, we want them in there, because we want you to go from this committee feeling that you have had a reasonable chance to state your conscientious reasons. Now, let us try again.

Mr. NEUSOM. With the understanding that the witness is going to state his conscientious reasons and the committee will allow them to state them.

Mr. DOYLE. If he goes afield into argument, I will not permit him to state argument, but I will permit him to state his conscientious reasons.

Mr. ALEXANDER. Writers are named before this committee, and then they lose their jobs, and can no longer obtain employment in their

field. Screen writers who write, who have been named, who write screen plays, that is no longer possible to do even though in the past many of those that they made won academy awards. Radio writers, and the scripts they write today are no longer——

Mr. DOYLE. Now you are being argumentative and I am going to begin to strike it from the record unless you cooperate on a basis of reasons.

(Statement of witness was ordered stricken from the record.)

Mr. TAVENNER. Mr. Chairman, may I point out a distinction. A witness may have various reasons why he does not want to answer the question, but the only point that is in issue here is whether or not he has a legal reason for refusing to answer the question. None of those opinions and ideas could possibly be a legal reason for refusing to answer the question.

Mr. DOYLE. I wish to say to counsel and the witness just this: Manifestly, you have constitutional reasons to decline to answer the question. You have been 13 minutes, and you have not mentioned the United States constitutional provisions as your grounds for declining to answer, and now those are the reasons and the rest of this is argumentative, and that is as I see it. Do you not stand on your constitutional rights?

Mr. ALEXANDER. You said that I was 13 minutes and did not mention my constitutional rights, and would you have the record reread and I think that you will find that I did.

Mr. DOYLE. If you did——

Mr. ALEXANDER. And also the 13 minutes has been partly and greatly concerned with a legal discussion here, and I would have finished——

Mr. DOYLE. May I state this. The witness is right, because I wrote down here myself, he said, "I decline to answer, standing on my constitutional rights." I beg your pardon for misstating it, but may I say you plead the provisions of the Constitution that you do stand on?

Mr. ALEXANDER. And these are the only reasons that a man can give for making a decision which affects his entire life.

Mr. DOYLE. I am not going to permit you to be argumentative. I will strike from the record that which is argumentative.

Mr. ALEXANDER. Is it argumentative for me to say that a member of this committee has introduced a bill into Congress——

Mr. DOYLE. Now, the other witness gave that and I know two or three of you have come prepared to give those reasons or those arguments.

Mr. ALEXANDER. Is that an argument? What is an argument about it? The man has introduced a bill.

Mr. DOYLE. I am going to insist on my ruling whether you and your counsel like it or not. Now, I am going to shut you off from being argumentative and I am trying to cooperate, and be broad-gaged, and let you take the time of the committee to present the propaganda speech that you have prepared, but I want you to stand on your legal rights and not be argumentative.

Mr. JACKSON. Could you relate your refusal, or could you relate your reasons to either the first, fifth, or ninth or tenth amendments directly? I think that might be a reasonable compromise. But you are going far afield as I see it, sir, to what you are relating it. To what

right that you enjoy under the Constitution does the introduction of a bill in Congress by a Member of Congress authorized to so introduce a bill; to what constitutional provision upon which you rely does that relate?

MR. ALEXANDER. May I state a provision of the bill?

MR. JACKSON. I am not interested in the provision of the bill. He is entirely within his legal rights in introducing any measure he sees fit, including one to outlaw the Communist Party, if he sees that that is proper.

MR. ALEXANDER. May I relate my constitutional rights to a provision of that bill?

MR. DOYLE. I am going to strike it from the record.

MR. ALEXANDER. That is what he asked me to do, and he said that we could accept that as a compromise.

MR. JACKSON. Congressman Velde's bill does not relate to this hearing in any way, shape, or form. You are asked a question and you have certain constitutional rights upon which you can refuse to answer that, and I should think that that would be quite a simple matter to go ahead and state your constitutional grounds in order that both you and the committee could save some time and eventually wind up this hearing, because we are going to stay here until the hearing is over, if it takes from now to kingdom come.

MR. ALEXANDER. I am only an individual here, sir.

MR. DOYLE. Please go ahead with your reasons.

MR. ALEXANDER. May I give that bill?

MR. DOYLE. No, sir. I am asking you for your reasons and stand on whatever constitutional rights you have.

MR. ALEXANDER. I am told that this bill is expressly related to the first amendment, and unless I can explain—

MR. DOYLE. You can explain your rights and your refusal to answer under the first amendment, but not under the bill, and I am not going to permit you to be argumentative.

MR. JACKSON. That bill will be debated in a far greater forum than this committee represents, and it will be debated before the Congress of the United States, and the decision will be reached there and not reached here, irrespective of what you say about the bill or what I say about the bill. I personally do not see that it relates at all to your rights under the first amendment, than a piece of legislation introduced in the Oklahoma legislature would have anything to do with your rights under the Constitution.

MR. ALEXANDER. I believe it relates to both the first amendment and fifth amendment and now if I could give it—

MR. DOYLE. You cannot give it and I will not permit you to and your counsel might just as well understand that I am not going to permit your clients to take the time of all of the other witnesses and the committee to be argumentative, and I am going to be firm on that, Mr. Nensom.

MR. NEUSOM. Mr. Chairman, I want you to understand that these witnesses or the witnesses that I represent testify the way they feel, and when you make the statement to me that you are not going to permit them, it is perfectly all right, but understand that the witnesses are testifying to the things that they feel, and they have been under

subpena for some 7 or 8 months, and I am sure that if you had been under subpena for that length of time, many things would have built up in your mind that you would want to say, and many reasons, and perhaps you disagree as to the legality of them, but reasons just the same which are perfectly valid, and I think if this witness had been given the opportunity to briefly state his reasons, he would have been off the stand long ago, and the legal technicality that has ensued would not have come up.

Mr. DOYLE. I am going to insist on my ruling whether counsel or the witness like it or not.

Mr. NEUSOM. There again it refers to counsel. I am only with respect to problems that he asks me about, and I will give him advice.

Mr. DOYLE. He can state his constitutional rights and that is all he is allowed.

Mr. NEUSOM. As to other matters that is up to the committee and I cannot rule for the committee.

Mr. ESTERMAN. I want to ask if there is a time limit for witnesses? (The witness conferred with his counsel.)

Mr. ALEXANDER. Then may I just say in closing that I rely on the first amendment in regard to a book-burning bill which has been introduced by a member of this committee into Congress, and I have one final reason for declining to answer that question, and I base that declination on the rights guaranteed in the fifth amendment of the Constitution under whose provisions no one can be compelled to give testimony against himself.

Mr. DOYLE. Thank you.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. ALEXANDER. I decline to answer that question for the same reasons.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. ALEXANDER. The same question and the same answer and the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. We have no questions. Thank you, Mr. Alexander.

(The witness was excused.)

Mr. DOYLE. The committee will stand in recess for 10 minutes.

(A short recess was taken.)

(Members of the subcommittee present: Representatives Clyde Doyle and Donald L. Jackson.)

Mr. DOYLE. We will proceed, please.

Is counsel ready?

Mr. TAVENNER. I would like to call Lynn Whitney.

If the photographers want to take pictures, I will not permit it while the witnesses are taking the oath from here on. May this be understood, that of course if there is any unusual incident while the witness is testifying it will be all right.

Miss Whitney, will you rise and be sworn, please?

You solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss WHITNEY. I do.

**TESTIMONY OF LYNN WHITNEY, ACCOMPANIED BY HER COUNSEL,
THOMAS G. NEUSOM**

Mr. TAVENNER. What is your name, please?

Miss WHITNEY. My name is Lynn Whitney.

Mr. TAVENNER. How do you spell your first name, please?

Miss WHITNEY. L-y-n-n.

Mr. TAVENNER. When and where were you born?

(The witness conferred with her counsel.)

Miss WHITNEY. Do you mean to ask an actress when she was born?

Mr. TAVENNER. If you object——

Miss WHITNEY. I certainly do.

Mr. TAVENNER. I will ask you where you were born? I have had some offended because I asked the question and some offended because I did not, and so I never ask in advance. I am sorry; I did not hear your answer.

Miss WHITNEY. I was born in Illinois.

Mr. TAVENNER. Now, are you a resident of Los Angeles?

Miss WHITNEY. Yes; I live here.

Mr. TAVENNER. How long have you lived here?

Miss WHITNEY. In Los Angeles?

Mr. TAVENNER. Yes.

May the record show the name of the attorney representing you?

Mr. NEUSOM. Thomas G. Neusom.

Mr. TAVENNER. Approximate dates will be sufficient.

Miss WHITNEY. I imagine 10 years.

Mr. TAVENNER. I understood from what you said that you are an actress. What is your profession?

Miss WHITNEY. Pardon me?

Mr. TAVENNER. What is your profession?

Miss WHITNEY. My profession is that of an actress.

Mr. TAVENNER. In what? Is there any particular field in which you have specialized as an actress? Are you an actress in the radio or in moving pictures or both, or what?

Miss WHITNEY. I have acted in various mediums. Is that what you want to know? I have acted on the stages, yes, in the theater, screen, is that what you want to know?

Mr. TAVENNER. And radio?

Miss WHITNEY. Oh, yes.

Mr. TAVENNER. According to the testimony before the committee, there was organized a group or cell of the Communist Party within the radio field. Mr. Owen Vinson was the treasurer of that organization, and Mr. Paul Marion was a member of it, and both of them have testified and identified you as a member of that group. Were you a member of that group?

(The witness conferred with her counsel.)

Miss WHITNEY. As I understand your question, and as I understand my rights before this subcommittee, I choose to exercise my rights under the Constitution of the United States and, therefore, in response to this question and to any other question put before me by this subcommittee which has to do with what I think, what I read, whom I know, with whom I associate, or where I go, or any question that directly or indirectly relates to any of the organizations which you have on your various lists, or any persons——

Mr. TAVENNER. My question related solely to the Communist Party. Would you answer the question, please?

Miss WHITNEY. Or members of any of these organizations, or any question concerning the testimony—

Mr. TAVENNER. Mr. Chairman, I suggest the witness be directed to answer the question.

Miss WHITNEY. Or any person who has appeared before you, I refuse, I decline, and I will not answer such questions for the following reasons.

Mr. DOYLE. Now, Miss Whitney, may I ask you if you have a prepared statement that you are reading, and you can file it with the committee, but it is an absolute rule of the committee that prepared written statements shall be filed and not read.

Miss WHITNEY. As you know, I am not reading, and I have some notes, yes. I am not an informer, No. 1, and I will not—

Mr. TAVENNER. Such an answer could not be responsive to my question.

Mr. DOYLE. That is right. Miss Whitney, I will have to strike that kind of a statement from the record, if you try to insist on giving it.

Miss WHITNEY. Why?

Mr. DOYLE. Because it is argumentative.

Miss WHITNEY. In what way?

Mr. DOYLE. Because it is. It is not a valid reason for you—

Miss WHITNEY. Under what rule do you have—

Mr. DOYLE. It is not a constitutional reason in my judgment, and it is not a reason. You are not pleading the Constitution, your constitutional grounds for refusing to answer. You have a perfect right to plead your reasons and your constitutional reasons, and I just assume that you will plead the first and the fifth—

Miss WHITNEY. You should not assume anything, and I want to say why I refuse, decline, and will not answer this question or any other questions put to me by this subcommittee.

Mr. DOYLE. You have made that statement.

Miss WHITNEY. I don't think that I have fully covered my reasons.

Mr. DOYLE. Just explain your reasons.

Miss WHITNEY. Mr. Neusom, this legal debate, I really cannot involve myself in.

(The witness conferred with her counsel.)

Miss WHITNEY. My reasons are as follows. These are my grounds, that I am not an informer, though I will not contribute to this committee's efforts to create thought control—

Mr. DOYLE. Now, if you insist on giving those arguments, I will just strike them from the record, because we are not going to take the time of other witnesses and the committee to listen to arguments. Give your reasons, but that is argument.

Miss WHITNEY. That is an argument, and this is a reason that is a reason and that is an argument, and I really don't understand you at all.

Mr. DOYLE. I can see you do not.

Miss WHITNEY. Did he say I shall not answer? I have no right to answer this question? Is that what he is saying? That is how it sounds to me, that I do not have the right to answer your question.

Mr. DOYLE. You know you have that right.

(Statement made by the witness was ordered stricken from the record.)

MISS WHITNEY. Now, for further reasons, for this further reason I stand on my rights under the first amendment which guarantees to every citizen freedom of belief, and association and my rights under the fifth amendment which says no witness may be compelled to testify against himself or answer any question which might incriminate him.

MR. TAVENNER. Are you now a member of the Communist Party?

(The witness conferred with her counsel.)

MISS WHITNEY. As I understand your question, and as I understand my rights before this committee, I choose to exercise my rights guaranteed me by the Constitution. Therefore, in response to your question or any other question put to me by this committee or this subcommittee, which has to do with what I think, what I read, whom I know, with whom I associate, or where I go or any other question that directly or indirectly relates to any of the organizations which this committee—

MR. TAVENNER. I am speaking of only one organization.

MISS WHITNEY. As listed—

MR. DOYLE. That is exactly the same language that you gave in answer to the first question, and I do not mean to be impolite, but you have that on a card, and I notice it is all right to refer to the card, but please do not repeat the same verbiage at length.

MISS WHITNEY. You are asking me the same question.

MR. DOYLE. Why do you not stand on the same grounds and for the same reasons, if that is what you do?

(The witness conferred with her counsel.)

MISS WHITNEY. If you have the right to ask the same question, I most certainly have the right to give the same answer.

MR. DOYLE. That would be splendid if you would do it just that way and as briefly as that, and then the other witnesses can also come, and they can go home to their businesses and homes, and that is what I am suggesting.

(The witness conferred with her counsel.)

MISS WHITNEY. You keep repeating questions with all of its implications, and I am trying to give my answers with all of their implications, you understand?

MR. DOYLE. Yes; I do understand.

MISS WHITNEY. Then may I be permitted to continue?

For that reason I refuse, I decline, and I will not answer such questions under my privileges in the first amendment which guarantees the right to freedom of belief and association and my rights under the fifth amendment to refuse to testify against myself.

MR. NEUSOM. Mr. Chairman, some one on the other side of the room was shaking a finger at the witness in a threatening manner, and I don't know whether he indicated me or the witness, and I am just wondering whether he was just talking or whether it was meant for the witness or her counsel? It is the gentleman seated just directly behind the investigator there now.

MR. TAVENNER. Are you talking about anyone connected with the committee?

MR. NEUSOM. I am referring to a spectator.

MISS WHITNEY. They tolerate this behavior.

Mr. NEUSOM. I just thought I would bring to the attention of the chairman——

Mr. DOYLE. I warned before that no indication would be permitted, directly or indirectly, of approval or disapproval of any testimony or any action either favorable or unfavorable and please cooperate with that. We shall not allow the shaking a finger or nodding of a head or lifting of an eyebrow or anything else that is intended to relate to either the lawyers or the witnesses on the stand, please.

Mr. NEUSOM. Thank you, Mr. Chairman.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

(The witness conferred with her counsel.)

Miss WHITNEY. As I understand your question, and as I understand my rights before this subcommittee, I choose to exercise my rights under the Constitution. Therefore, in response to your question and to any other question put before me by this subcommittee which has to do—is he listening to me—which has to do with what I think, what I read, whom I know, with whom I associate, or where I go, or any question that directly or indirectly relates to any organizations listed on any of your various lists, or persons publicly identified as officers or members of any of these organizations, or any question which concerns the testimony of any witness who has appeared before you, I refuse, I decline, and I will not answer such questions for the following reasons. First, I am not an informer.

Mr. DOYLE. Just a minute, Miss Whitney. I am not going any further to let you take the time of everyone in the hearing room that is waiting to be called to repeat the same testimony you gave before. Those things are argumentative and why don't you cooperate with the committee, and your neighbors, that also want to testify and get out of here, and just say that you plead the first and fifth amendments, and you have repeated the same language, and you have referred to your cards and read from your cards. It seems to me that you ought to be generously cooperative, and we are trying to hurry you out of the witness chair, if you want to get out of it. Apparently you do not.

Miss WHITNEY. He keeps asking me the same question, and I keep giving naturally the same answer, and this is my opinion, and you object to my answers, and you don't object to his questions.

Mr. DOYLE. Now, Miss Whitney——

Miss WHITNEY. I have been telling you; I have not been reading.

Mr. DOYLE. Why do you not say "I have already given my argument," and just say "I stand on the first and fifth amendments for the same reasons," and let it go at that.

Miss WHITNEY. What kind of legal argument is that? Well, that is what I thought. I thought I could answer as I pleased.

Mr. NEUSOM. I think for convenience witnesses have used the same grounds and the same answer, but the witness chooses to make her statement.

Mr. DOYLE. I am not going to permit the witness to reiterate and reiterate the same language she has written out on cards and given.

Miss WHITNEY. Why does he permit him to ask me the same questions?

Mr. DOYLE. I do not want to be discourteous, but this is a public hearing, and we have heard those reasons and they are good, and now

why do you not just say, "I stand on my constitutional rights," and you have already given those, the first and fifth amendments, and your counsel knows that that is adequate, the same as we do.

Those are adequate legal grounds, if you plead the first and fifth amendments, and all of the provisions thereof, and if counsel disagrees with the subcommittee chairman, tell me so.

Mr. NEUSOM. There is no disagreement. The only thing is, the witness wants to make an answer.

Mr. DOYLE. I know, but she wants to read the same alliteration.

Miss WHITNEY. I am not reading.

Mr. NEUSOM. It was not read. She gave the answer based on notes that she had. However, if you will let us know exactly where we were with the answer, I think she can finish very briefly.

Miss WHITNEY. I think I remember.

I refuse to answer this question—

Mr. NEUSOM. Could we have the reporter read back the answer as given, or the last part, so that we could continue and get in the record the grounds, Mr. Chairman, that are indicated?

Mr. DOYLE. Yes, indeed.

(Answer was read by the reporter.)

Miss WHITNEY. I am not an informer. Secondly, under my privilege granted to me or guaranteed me by the first amendment to freedom of speech and freedom of association, and based on the fifth amendment, which protects me from testifying against myself.

Mr. DOYLE. Thank you for endeavoring to cooperate.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. I have no questions. Thank you.

(The witness was excused.)

Mr. TAVENNER. I will call Mr. Ed Max.

Mr. DOYLE. You solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. MAX. I do.

TESTIMONY OF EDWIN MILLER MAX, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND THOMAS G. NEUSOM

Mr. TAVENNER. Will you state your name, please?

Mr. MAX. Just a moment, please. I have some notes, and may I refer to notes?

Mr. DOYLE. Yes, certainly. Will you identify your counsel while you are getting those?

Mr. ESTERMAN. William B. Esterman and Thomas G. Neusom.

Mr. TAVENNER. Are you ready to proceed now?

Mr. MAX. Not yet. Yes.

Mr. TAVENNER. What is your name, please, sir?

Mr. MAX. I was subpoenaed under the name of Ed Max.

Mr. TAVENNER. Is that your correct name?

Mr. MAX. Under what name do I appear in your dossier?

Mr. TAVENNER. Is that your correct name?

Mr. MAX. My name is Edwin Miller Max. I would assume that you would know that much.

Mr. TAVENNER. When and where were you born, Mr. Max?

Mr. MAX. I was born May 4, 1909, in Savannah, Ga., which I left at the age of 9 because I couldn't stand it any more. I was a sensitive child.

Mr. TAVENNER. Well, apparently you have come here to be humorous, haven't you ?

Mr. MAX. May I make a request ?

Mr. DOYLE. Just a moment, Mr. Max. If you will just answer these questions, please, and not come prepared to be argumentative or to have a show, we want to get through with this hearing if we can.

Mr. MAX. I gave you a factual answer.

Mr. DOYLE. Just hold to the answers, and do not have a chip on your shoulder as you apparently have. We expect your dignified cooperation. I will ask for it and insist upon it.

Mr. MAX. May I make a request ?

Mr. DOYLE. If it is a proper request.

Mr. MAX. I have been here since Thursday, during that time several members of the committee——

Mr. DOYLE. No, I will not let you go into an argument or a tirade against the members of the committee, and we will proceed with the questioning.

Mr. MAX. I wish Mr. Jackson would stop leaning against the flag; it looks discourteous and it shows a lack of interest.

Mr. DOYLE. There is nothing against the flag and his chair cannot touch the flag.

Mr. MAX. Well, it appears to be.

Mr. JACKSON. If I leaned against the flag as little as some people stand for the Constitution, not a great deal will happen.

Mr. DOYLE. Go ahead, Mr. Max, and take the chip off your shoulder and let us go ahead.

Mr. TAVENNER. Do you live in Los Angeles ?

Mr. MAX. Yes, I do.

Mr. TAVENNER. How long have you lived there ?

Mr. MAX. Since approximately 1937.

Mr. TAVENNER. What is your profession ?

(Statement made by the witness was ordered stricken from the record.)

Mr. MAX. I am a performer.

Mr. JACKSON. You did not bring all of the education out of Georgia with you. Some of the rest of us have been to school.

Mr. MAX. There isn't enough there, Jackson.

Mr. JACKSON. I am a Member of Congress, which is entitled to some show of, if not respect, at least common decency and common courtesy.

Mr. MAX. Under penalty of what ?

Mr. JACKSON. Penalty of nothing, except to be shown to the world at large as one who does not exercise the common, everyday instincts of courtesy. I intend to refer to you as Mr. Max during the course of your testimony, and to show you what courtesy is possible under the circumstances, and I should appreciate it if you would show to the committee members the fundamental, basic considerations of courtesy.

Mr. MAX. This is all basic, and I show you courtesy and do not leave the room while I am testifying.

Mr. TAVENNER. Mr. Max, you were identified as having been a member of a Communist Party cell within a radio group by two witnesses. Is it true or is it false?

Mr. MAX. I don't believe I answered the last question.

Mr. TAVENNER. Well skip the last question.

Mr. MAX. You don't care to know how long I have lived in Los Angeles?

Mr. TAVENNER. No.

Mr. MAX. What was this question?

Mr. TAVENNER. Read him the question.

(Question was read by the reporter.)

Mr. MAX. I decline to answer that question for the following reasons. May I give them?

Mr. DOYLE. Yes, we will be glad to have you give your reasons.

Mr. MAX. As implicit in this text, t-e-x-t, please note the text, t-e-x-t—

Mr. DOYLE. The United States Constitution?

Mr. MAX. No, the United States Code Annotated, Constitutional Amendments 1 to 13. In the rear of the reference it says, "1951, Cumulative Annual Pocket Bar, for Use During 1952." Is that pertinent in future years. I don't know, but it says 1952.

Mr. DOYLE. Now, we are not going to permit you to read a long text. We want you to identify the book and we will incorporate it in our record, the part that you refer to.

Mr. MAX. Do you consider the Constitution of the United States a prepared statement?

Mr. DOYLE. Can you be brief to give us your reference, and then tell us your reasons?

Mr. MAX. I think the amendments in the Constitution are quite brief, succinct.

Mr. DOYLE. No, we are asking you to cooperate.

Mr. MAX. I would like to read them.

Mr. DOYLE. Just give us the number of them.

Mr. MAX. I would prefer to read them.

Mr. DOYLE. We do not ask you to take the time to read them. We are familiar with the amendments and probably everyone in the hearing room is.

Mr. MAX. I think they are reasons, Congressman. Do you dispute this? Will you deny me the opportunity to have these reasons written into this record?

Mr. DOYLE. I will ask you to refer to the sections of the Constitution on which you rely, and you have read them and you have a right to stand on them.

Mr. MAX. I haven't read them.

Mr. DOYLE. Have you not read them before you came to the hearing room?

Mr. MAX. I am not convinced that you are familiar with them.

Mr. DOYLE. I will ask you to refer to the sections of the Constitution on which you rely.

Mr. ESTERMAN. May I respectfully call the chairman's attention to the fact that there have been cases in not the higher courts, but in some of the lower courts, where an issue has been made of the extent to which witnesses have relied upon amendments or parts thereof. I have coun-

seled with this witness, and I feel that on the basis of counsel he has in respect of this point that he is urging his position.

Mr. DOYLE. If the counsel please, you heard our distinguished chairman, John Wood, of Georgia, repeat time and time again that the mere reference to the constitutional provision meant that all of the terms of that constitutional provision were relied upon.

Mr. ESTERMAN. I did, Mr. Doyle, and I happen to have a difference of opinion about the law with Mr. Wood.

Mr. DOYLE. I will stand upon my chairman's ruling, that when a witness says he stands upon the first amendment or the fifth amendment, he stands on each and every word of the first and fifth amendment, and that is why it is not necessary to take the time of everyone concerned for this witness to read the United States Constitution.

Mr. MAX. Will you dare to have it so stipulated in this record that I have been forbidden to read my reasons?

Mr. DOYLE. You have not, and you know full well you have not, and why make that statement? Why do you make a show out of it, or try to?

Mr. MAX. I don't make a show of it.

Mr. DOYLE. Refer to your notes and give us your reasons.

Mr. MAX. My notes are the amendments from the Bill of Rights, which I wish to read before this committee.

Mr. DOYLE. What section do you refer to?

Mr. MAX. I refer, to begin with, to the first amendment which I would like to read, because I am not sure that everyone understands it.

Mr. DOYLE. Well, you are not here to educate everyone in the room, you are here to give your reasons for declining to answer this question, if you do.

Mr. MAX. It is most important that I go into it in great detail, because I would like to elicit from you a proof or certain evidence of whether you are still sworn to uphold it.

Mr. DOYLE. You are not subpoenaed here to question this committee. We are here to question you, and have you stand on your legal rights and that is all. And give your reasons, and you are not going to be given any opportunity to question members of this committee.

May we have an understanding?

Mr. MAX. Is this a hearing?

Mr. DOYLE. This is a hearing.

Mr. MAX. Whose, yours or mine?

Mr. DOYLE. It is your hearing.

Mr. MAX. I would like to be heard.

Mr. DOYLE. Go ahead and be heard.

Mr. JACKSON. May I suggest that to the extent that the answer of the witness is valid reason to, so far as constitutional reasons are concerned, that that be admitted to the record, and that any further argument and any further reading, and any further discussion beyond his constitutional reasons for refusing to answer be stricken from the record.

Mr. DOYLE. I want to be sure that any conscientious, valid reason goes into the record.

Mr. JACKSON. So do I.

Mr. DOYLE. I am sure both of us do on the subcommittee.

(The witness conferred with his counsel.)

(Statement made by the witness was ordered stricken from the record.)

Mr. TAVENNER. Have you completed your answer?

Mr. MAX. No, I wish to give my legal reasons. One of my legal reasons is the first amendment to the Federal Constitution of the United States. For those who are not acquainted with it and for those who don't wish to abide by it.

Mr. TAVENNER. It is not a question of who may be acquainted with it, if you base your refusal to answer on the grounds of the first amendment, the committee will understand fully what you mean. Now, are there any other reasons? Are there any other legal grounds upon which you base your refusal to answer?

Mr. MAX. I wish to refer to that part of the first amendment which contains most specifically——

Mr. TAVENNER. I submit, Mr. Chairman, the witness has answered that question, as far as the first amendment is concerned.

Mr. DOYLE. He certainly has.

Mr. TAVENNER. Now, do you rely on any other constitutional grounds for refusal to answer the question?

Mr. MAX. Am I to take my legal advice from you?

Mr. TAVENNER. I think that you are supposed to answer the questions that are propounded to you.

Mr. MAX. Well, is it as inflexible as that? I have an attorney, and it is my understanding that my counsel comes from him.

Mr. DOYLE. That is correct.

Mr. TAVENNER. If you have no further grounds upon which you wish to rely, I am not insisting that you rely on any further grounds, but you have satisfactorily relied upon the first amendment. Now——

Mr. MAX. Not to my satisfaction.

Mr. TAVENNER. Your answer is just as full and complete as if you were here for an hour stating it, as far as any legal reason may be for refusing to answer the grounds under the first amendment.

Mr. MAX. To the extent that I as a loyal American citizen am fully protected by the first amendment.

Mr. DOYLE. That is correct.

Mr. TAVENNER. I am not insisting on your giving any further answer as to any other reasons, but if you have them I would like for you to state them.

Mr. MAX. Yes, I have other reasons. I wish to refer to the fourth amendment. This is called searches and seizures.

Mr. DOYLE. All right, we are familiar with that.

Mr. MAX. What is the text of it?

Mr. DOYLE. Have you any other grounds, please?

Mr. MAX. I don't know if you know the fourth amendment, if you will tell me what it is, I would like——

Mr. DOYLE. We are not here to be questioned by you, and will you please give any other reasons and you have referred to that amendment, and that includes all of the amendments.

Mr. MAX. You may assume that the fourth amendment is too arbitrary and so I would like to refer to a portion of it.

Mr. DOYLE. I don't assume any amendment of the Constitution is too arbitrary, I am trying to live under it, just like I suppose you do, and now do you have any other reasons?

Mr. MAX. I can reconcile that with your reasons here.

Mr. TAVENNER. Having stated you refuse to testify because of the fourth amendment, I now ask you whether there are any further grounds that you desire to state.

Mr. MAX. Just a moment, please.

(The witness conferred with his counsel.)

Mr. MAX. I would like the record to show, in relationship to my previous reason for declination, chiefly the first amendment, that portion of the fourth amendment which I invoke, and I wouldn't read it all, but this might be contested, and it might be challenged, and I would like to be specific about this: It is very brief but I think very comprehensive, and I would like you to hear that.

Mr. DOYLE. What section of the fourth amendment is it?

Mr. MAX. The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated. And no warrants shall issue but upon probable cause supported by other affirmation and particularly describing the place to be searched and the persons or things to be seized.

Mr. DOYLE. Now do you have some other provision of the Constitution?

Mr. MAX. I suggest—

Mr. DOYLE. Now you have read it and we have it and now you stand upon it and that is the particular section, as I understand it, you stand upon. Is that correct?

Mr. MAX. I don't approve of the breaking and entering of the home, in my opinion.

Mr. DOYLE. Well, you have given the reason and now do you have some other reasons which you claim for declining to answer?

Mr. MAX. Do you think this is a good reason?

Mr. DOYLE. I think that is always a good reason, certainly.

Mr. MAX. We have two good reasons now.

Mr. DOYLE. It is an amendment to the Constitution, and now let us have any other section of the Constitution on which you rely.

Mr. MAX. So far, you are cooperating with me, is that true?

Mr. DOYLE. Yes, I am trying to, sir.

Mr. MAX. I wish to refer to the fifth amendment. This is not a refuge amendment but one of several valid amendments, also pertinent, and before it becomes blacklisted I would like to have it stressed again.

Mr. DOYLE. They are all valid in our judgment.

Mr. MAX. Well, I don't want them to be blacklisted.

Mr. DOYLE. No one is going to blacklist the fifth amendment, as far as this committee is concerned.

Mr. MAX. Capital crimes, due process—no person—

Mr. DOYLE. Now wait, please, we are familiar with it and if you stand upon the fifth amendment that is adequate for our purpose, and it is adequate for yours.

Mr. MAX. Again you forbid me to read the Bill of Rights.

Mr. DOYLE. I do not refer to the Bill of Rights. I am merely asking you for your cooperation, the same as we are trying to cooperate with you for the purpose of protecting your rights, but be reasonably as brief about it as you safely can. That is all we are asking.

Mr. MAX. I am being brief.

Mr. DOYLE. Not when you are trying to insist on reading all of the fifth amendment which we are all familiar with.

Mr. MAX. May I read four lines from it?

Mr. DOYLE. Yes; indeed you may.

Mr. MAX. This is the abridged—

Mr. DOYLE. Read your four lines.

Mr. MAX. I am not abridging it.

No person shall be compelled to be a witness against himself, nor be deprived of life, liberty, or property without due process of the law.

Mr. DOYLE. Thank you very much, and we understand you stand not only on that section, but all of the fifth amendment.

Mr. MAX. Is that valid?

Mr. DOYLE. It is always a valid amendment, and now have you any other reason why you decline to answer?

Mr. TAVENNER. Mr. Chairman, is any other reason necessary?

Mr. MAX. I wish to give all of my reasons.

Mr. TAVENNER. That reason is a perfectly valid reason for your refusal to testify and it is a complete answer to my question.

Mr. JACKSON. And it has been so recognized by this committee for many years.

Mr. MAX. I have an addendum in terms of reasons, and I would like to completely justify myself, and I would like to give the other reasons. You have minimized my first three.

Mr. DOYLE. We have not tried to.

Mr. MAX. At least allow me to refer to the other two.

Mr. DOYLE. Go ahead, and we will be glad to allow you to refer to the other two.

Mr. MAX. Because there was some doubt about this on Friday, the ninth amendment, I believe a witness didn't know what it is, and he wasn't told by the Chair what it was.

Mr. DOYLE. Of course you refer to my question to the gentleman and if you plead the ninth amendment, go ahead and do it.

Mr. JACKSON. The Chair did not claim the ninth amendment, but the witness did.

Mr. MAX. Did the Chair acknowledge it?

Mr. JACKSON. The Chair is not under my responsibility to acknowledge in any way, except as to permit the admission of the amendment as being appropriate to a refusal to answer. There is no need and no necessity and no requirement that the Chair or any member of the committee enter into any dispute or argument or debate about your claims under the Constitution. All we ask is that you set them forth as briefly and succinctly as possible.

Mr. MAX. We have had a debate about my constitutional—

Mr. DOYLE. Do you plead now the ninth amendment as a reason why you do not answer, and if you do, tell us so and we will accept it as another reason you give.

Mr. MAX. I plead and stress the ninth amendment and I would like to have it entered into the record to this extent:

Reserved powers to States: The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people.

Mr. DOYLE. We are aware that that is the wording of the ninth amendment substantially, and it will go into the record as you have read it.

Mr. MAX. Now, before continuing with my other reason, I believe you may have some incredulity, some doubt about my loyalty; is that true?

Mr. DOYLE. You answer the questions of our counsel, please.

Mr. MAX. I don't want to be sloughed off in this matter. Because I have spent 43 years building up a score and I would like an answer to it and this has all been pretty academic so far.

Mr. DOYLE. I assure you the Constitution of the United States is never academic, it is fundamental.

Mr. MAX. I would like to know why I have been called.

Mr. DOYLE. You have been subpoenaed, haven't you?

Mr. MAX. Yes.

Mr. DOYLE. We expect your dignified cooperation, and we are taking the whole noon hour to do it and we expect your dignified cooperation. (Statement made by the witness was ordered stricken from the record.)

Mr. JACKSON. The witness asks why he was called. Do we have an identification of him as a member of the Communist Party?

Mr. TAVENNER. The basis of the question was upon the identification by two witnesses and I didn't give their names at the time, but their names are Mr. Owen Vinson and Mr. Paul Marion.

Mr. JACKSON. Very briefly, then, that is the reason you are here, is because of identification by two individuals under oath that you are a member of what has been found in law to be an organization which teaches the advocacy, teaches and advocates the overthrow of the Government of the United States by force and violence.

Mr. MAX. Have I been charged with a crime?

Mr. JACKSON. No; but you have the greatest forum in the world to deny these allegations and I hope you will avail yourself of the opportunity.

Mr. DOYLE. You understand our legal counsel's question. Do you understand what our lawyer asked you 15 minutes ago; the question was a simple one.

Mr. MAX. Yes, and I am giving my reasons; and if I understand it I wouldn't give my reasons.

Mr. JACKSON. Please continue to give your reasons if you have any more, why you decline to answer.

Mr. MAX. Another reason I have is the tenth amendment. I don't know if I gave you that.

Mr. TAVENNER. You gave us the ninth amendment.

Mr. MAX. I gave you the ninth.

Mr. TAVENNER. Yes, and the next is the tenth.

Mr. MAX. The tenth.

Mr. DOYLE. Do you stand on the tenth amendment as one of the reasons why you decline to answer, and if you do, that is all that is necessary to tell us.

Mr. MAX. Reserved powers to the States.

Mr. DOYLE. I am asking you a fair question and we are not going to tolerate your making a monkey out of all the other witnesses and this committee in taking up the full luncheon time that ordinary people participate in. Now please cooperate in a dignified manner, and we know what the tenth amendment is. You are not going to consume the whole luncheon hour of all of these people here, who are waiting

to be called and the committee members and their staff, even though you might like to. I have been perfectly fair with you for 31 minutes.

Mr. MAX. Congressman, I have been here since Thursday.

Mr. DOYLE. All right, sir.

Mr. MAX. I was the first one here Thursday morning at 9:30, my subpoena read 10 o'clock. We recessed at 12:20.

Mr. TAVENNER. It is quite apparent that the witness is endeavoring to delay these proceedings.

Mr. MAX. I have been punctual, and I have been present.

Mr. DOYLE. Be a good scout, if you can, will you, and cooperate and if you can't why, O. K.

Mr. MAX. It is 2½ lines, Congressman.

Mr. DOYLE. Read it and get your 2½ lines in, if that helps you.

Mr. MAX (reading):

The powers not delegated to the United States by the Constitution nor prohibited by it to the States, are reserved to the States respectively or to the people.

Mr. DOYLE. You stand on that, and now what is your next reason, please?

Mr. MAX. My next reason has to do with this: May I say a few words about my military record?

Mr. DOYLE. No, we are asking you other questions now, and just go ahead with those.

Mr. MAX. We ought to dismiss those 3 years of my life that I spent——

Mr. DOYLE. If we want that information we will ask you about it.

Mr. MAX. Well, I would like it specified in the record, because I think it applies.

Mr. TAVENNER. Mr. Chairman, I ask that the witness be directed to answer the question.

Mr. DOYLE. I direct you to answer the question.

Mr. MAX. What question was it?

Mr. TAVENNER. Whether or not you were a member of the unit of the Communist Party within the radio branch in radio in accordance with the testimony of Mr. Owen Vinson and Mr. Paul Marion.

Mr. MAX. Is that the same question you asked me?

Mr. TAVENNER. That is the only question that I have asked you about Communist Party matters.

Mr. MAX. I have defined my reasons, if that is what you want to know.

Mr. TAVENNER. Then I have no further questions, Mr. Chairman.

Mr. JACKSON. Do you decline to answer the question for the reasons given?

Mr. MAX. I decline to answer the question for the reasons given, and I give you my veteran's bonus and these two medals which you can take back to President Truman, the Bronze Star, and the Good Conduct Medal, because you have sabotaged the words "fidelity, honor, and efficiency."

Mr. DOYLE. We would not assume to take from you something that you ought to be very proud to always keep in your possession, and pass it on to your heirs and successors.

Mr. MAX. I was proud, but not any longer.

Mr. DOYLE. I am ashamed of you, making that statement that you are not proud of a medal given you by the United States Government.

Mr. MAX. They used to be called fruit salad, and they have now become fraud salad.

Mr. DOYLE. I am ashamed of you as an American citizen for wanting to discard personal possession of a medal given you by the United States Government.

Mr. MAX. You have negated their importance.

Mr. DOYLE. I can never negate the importance of a man being proud of the fact that he is an American citizen and has served the United States Government. No man can negate that, sir.

Mr. MAX. I am proud of it, but you haven't given me the opportunity in this forum to explain it.

Mr. DOYLE. We have given you every opportunity, and I am ashamed of you, throwing a medal from the United States Government on a table, and throwing it in the garbage or discarding the personal possession of it.

Mr. MAX. Mr. Doyle, you died on April 12, 1945.

Mr. DOYLE. My son died in the last war in order that men like you might live and I am ashamed.

Mr. MAX. You died when Roosevelt died because you were a better man while he was alive.

Mr. DOYLE. I think that I am a better man because Roosevelt lived and died. I am proud of the fact that I admired him a great deal.

Mr. MAX. Am I excused?

Mr. DOYLE. You are, thank you.

The committee will stand in recess until 2 o'clock.

(Whereupon, at 12:45 p. m. the committee recessed until 2 p. m. the same day.)

AFTER RECESS

(The hearing was resumed at 2:10 p. m., Representatives Clyde Doyle and Donald L. Jackson being present.)

Mr. DOYLE. Let us come to order, please, and proceed as promptly as we may.

Mr. TAVENNER. I will call Stanley Waxman.

Mr. DOYLE. Mr. Waxman, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WAXMAN. I do.

TESTIMONY OF STANLEY WAXMAN, ACCOMPANIED BY HIS COUNSEL, THOMAS G. NEUSOM AND WILLIAM ESTERMAN

Mr. TAVENNER. What is your name, please, sir?

Mr. WAXMAN. Stanley Waxman. May I make a request, sir, the request all of the other witnesses have made with regard to pictures?

Mr. DOYLE (to the photographers). Will you hurry, if you are not through?

Mr. TAVENNER. Will counsel please identify themselves for the record?

Mr. NEUSOM. Thomas G. Neusom and William Esterman.

Mr. TAVENNER. When and where were you born, Mr. Waxman?

Mr. WAXMAN. I was born on January 13, 1914, in Cincinnati, Ohio.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. WAXMAN. I reside in Los Angeles County.

Mr. TAVENNER. How long have you lived in Los Angeles County?

Mr. WAXMAN. Approximately since the year 1945.

Mr. TAVENNER. What is your profession, please?

Mr. WAXMAN. I am an actor.

Mr. TAVENNER. Are you acting in radio as well as movies?

Mr. WAXMAN. I have acted in radio mainly, yes.

Mr. TAVENNER. What has been your scholastic training?

Mr. WAXMAN. I attended public and high school and university in Cincinnati, and I attended religious school there. I believe the only other scholastic training that I have had was during my period in the Army during which time I went to basic training officers' candidate school. I attended the Foreign Education School in Paris.

Mr. TAVENNER. How long were you in the Army?

Mr. WAXMAN. I was in the Army somewhat over 4 years. May I say, sir, that somewhat over 2 years of that was spent overseas in the European theater and I participated in five major battle campaigns. I made the campaign of Normandy, northeastern France, Ardennes, Middle Europe, and the Rhineland. I believe those are the proper designations for those battles.

Mr. TAVENNER. According to the testimony of Mr. Owen Vinson and Mr. Paul Marion there was a cell of the Communist Party in Los Angeles in the radio field. Each of them testified that they were members of that group and Mr. Vinson testified that he was treasurer and collected the dues. In the course of the testimony both of them identified you as a member of that group. Was that identification correct or was it false?

Mr. WAXMAN. Mr. Tavenner, I decline to answer that question on the grounds of the first amendment to the Constitution of the United States and for the following reasons: Because I feel that this question is an invasion of my rights and through me an invasion of the rights of all of the people in the United States. They are rights which have been guaranteed as a firm condition of our free society, the rights to speak freely and to write freely and to associate freely with whomever one chooses; to be free in mind and heart and in spirit, and free to convey any ideas or hold any ideas, beliefs, or convictions that one chooses to hold or chooses to convey. I believe it is the right of people to be right and I believe it is the right of people to be wrong. I refuse to answer this question because to answer it I feel would be to admit that you had the right to inquire and to ask such a question.

I do not concede you this right. To answer this question would be, to my way of thinking, to deny the basic premise on which our democratic Government is founded, namely, that an enlightened people, enlightened with the free exchange of ideas, can best govern themselves.

Mr. DOYLE. Mr. Waxman, I don't mean to interrupt you, but were you in the room this morning—

Mr. WAXMAN. Yes, sir; I was.

Mr. DOYLE. When Mr. Max was discussing the matter?

Mr. WAXMAN. I was.

Mr. DOYLE. You remember, I think I tried to be fair but I also had to be firm and ask him to try to cooperate and give us his constitutional reason and then, as near as he might without argumentative support, his reasons?

Mr. WAXMAN. I appreciate——

Mr. DOYLE. I know that you will try the same thing.

Mr. WAXMAN. I intend to be just as brief and as quick as I can be, but I have thought very deeply about this whole question over a long period now.

Mr. DOYLE. We realize it.

Mr. WAXMAN. I feel that just as others here have had the opportunity to express themselves, I would like just a few minutes to express myself.

Mr. DOYLE. All right. Will you hasten on?

Mr. WAXMAN. I assure you I will be as brief as I can.

I refuse to answer this question, also, because I will not be a party to the destruction of free communication of thought. I feel that it is only when people have free access to all thought that they can examine and select, accept, and reject whatever thought they choose, and whatever they feel is right and whatever they feel is good. I feel to answer your question would encourage further violations of such rights and do a distinct disservice to a government which derives its power from the consent of an enlightened people.

I further refuse to answer this question because as an actor, as one who works in a cultural field, I refuse to join in the destruction of American culture which this committee holds itself responsible for.

Mr. DOYLE. Mr. Waxman, are you reading from a statement?

Mr. WAXMAN. Sir, these are my notes.

Mr. JACKSON. Is that a verbatim statement that you are reading from?

Mr. WAXMAN. These are my notes, sir.

Mr. JACKSON. Those are not in the form of a statement that you are giving word by word?

Mr. WAXMAN. I beg your pardon?

Mr. JACKSON. Is that a statement which you are repeating word by word?

Mr. WAXMAN. Not word by word.

Mr. DOYLE. Wouldn't you please not be argumentative in it? Give us your reasons.

Mr. WAXMAN. Sir, I don't mean to be argumentative. These are my reasons. I have thought a great deal about this, and I have sat here for over 2 days now and I have heard others giving their reasons and I want the right to give my reasons. This is a critical moment in my life.

Mr. DOYLE. It is a critical moment in the committee when we have to call anyone for subpoena, but I hesitate to think the time will be consumed if you use 7 or 8 pages of notes.

Mr. WAXMAN. I have just a few, and I am sure it isn't timed over a minute and a half or less.

Mr. DOYLE. All right, another minute and a half as long as you offer that.

Mr. WAXMAN. I feel that the fear and intimidation and the black lies and the gray lies which have stemmed from the operations of this

committee are frustrating artists and I feel thereby it is impoverishing the Nation's culture.

As an actor I feel that all avenues of expression and all avenues to knowledge and all avenues to truth must be kept open because all knowledge is the particular province of the actor and not just a piece of knowledge and not just that part of knowledge which is stamped official.

I refuse to answer this question, also, because the air is free and belongs to the people according to the Federal Communications Commission. I feel that, therefore, anything that goes over the air should also be free.

(Statement made by the witness was ordered stricken from the record.)

Mr. WAXMAN. These are my reasons and they are not argumentative. I am not a lawyer.

Mr. JACKSON. Those are your opinions, sir, and—

Mr. WAXMAN. I am not a lawyer and I don't know the delicate difference.

Mr. JACKSON. When you accuse this committee and the members of the committee of entering into a conspiracy, it is a very serious charge, and as I said, it represents only your opinion and for that reason I renew my motion.

Mr. WAXMAN. I am allowed to hold my opinion.

Mr. JACKSON. Yes; and you are allowed to voice them, but we are not under any compulsion to accept those insults as part of the official record, Mr. Waxman.

Mr. WAXMAN. I don't mean them as insults; I mean them as facts.

Mr. JACKSON. It would be very difficult to put any different interpretation on the charge that we have joined a conspiracy, and I renew my motion.

Mr. DOYLE. They will be stricken out, and I can't do less, Mr. Waxman. Go ahead, please, and we want to give you the full benefit.

Mr. WAXMAN. You don't deny that there is a blacklist and that has come as a result of the activities of this committee, do you?

Mr. DOYLE. There is no intention of the committee that there shall be any such harm come through this committee. You see, it isn't our fault that anyone is a member of the Communist Party; let them get out of it if they want to get out of it.

Mr. WAXMAN. The harm has come to people who have not even enjoyed due process of law and they haven't been charged with crimes.

Mr. DOYLE. We are asking the cooperation of you and other American citizens in an investigation of any subversive activities, and that is why you are subpoenaed here. We are asking you in all good faith as an American citizen to tell us, just like our counsel asked.

Mr. WAXMAN. In all good faith, sir, as an American citizen, I would like you to make some statement against this blacklisting that has been going on.

Mr. DOYLE. Proceed as promptly as you can.

Mr. WAXMAN. Would you make such a statement?

Mr. JACKSON. Let me say that if there is a blacklist as you charge, that that blacklist has not been a blacklist of this committee but a blacklist on the part of the American people who refuse to go through

picket lines thrown around the theater protesting the presence of Communist players in the production.

Is this committee to tell the American people—we don't attempt to tell the labor union who can pass through their picket lines—and are you attempting to say that this committee should say to the American people, "You may see such and such a picture and you may not see such and such a picture?"

Mr. WAXMAN. Oh, no, indeed.

Mr. JACKSON. Well, the blacklist arises out of the reluctance of the people.

Mr. WAXMAN. Some from this committee have certainly upheld this policy of blacklists.

Mr. JACKSON. I will not retort to your charge of blacklist except to say that so far as I am concerned personally, neither would I attend a motion picture in which members of the Communist Party were employed in any capacity.

Mr. WAXMAN. There are many motion pictures which I wouldn't attend but for many different reasons.

Mr. JACKSON. We are exercising our constitutional prerogatives to go or not to go, but I simply say to that point that I would not go.

Mr. WAXMAN. But it is not a matter of to go or not to go, it is a matter of work or not to work; and when I walk out of here I would like to work in my chosen profession, which I have given over 20 years.

Mr. DOYLE. Mr. Waxman, may I say to you, sir, I have just returned from Japan and Korea and Okinawa and so forth where I interviewed top American men and GI's and they all told me that the American Communist Party took its orders and directions direct from the Soviet Union, the Communist Party and the Russian line. We find as a matter of documentary record that the Communist Party in America does follow the Russian line.

You see, the subversive line as it comes from Russia direct to America is, we believe, chuck full of subversive attitudes and activities toward our Government and toward our institutions.

Now, we are here investigating to see whether or not you and other citizens who it is reported to us are members of the Communist Party or were, are willing to come on with the United States Congress and find out what we can about the Communist Party's activities in this country, because all our American authorities in Korea and Japan tell us—and they don't hesitate to—they say the "commie" line in America comes directly from Moscow. So that when we ask you—

Mr. WAXMAN. I don't see what all of this has to do with the blacklist question.

Mr. JACKSON. You have been identified as a member of what has been found in law to be an international conspiracy, that is very plain and very clear, and if you want to deny it now is the proper time and the proper forum for you.

(The witness conferred with his counsel.)

Mr. WAXMAN. Sir, along that line, is there such a criminal conspiracy going on in this city?

Mr. DOYLE. Do you know anything about one? Let us get back to the question, now, please, because other witnesses are waiting and it isn't fair to all of them for us to take so much time to discuss it with you, although as an American citizen we would like to. I think the question was whether or not you knew anything about the Communist

cell. In other words, you were named definitely within the last few days as being a member of a Communist cell hereabouts in Los Angeles. I think our counsel asked you whether or not the testimony of these two members of the profession in Hollywood and Los Angeles was true or false.

Now, you are back right here in the same forum.

Mr. WAXMAN. I was proceeding to give my reasons, sir.

Mr. DOYLE. All right, give them to us.

Mr. TAVENNER. May I suggest to the witness, you have already assigned the first amendment as a legal grounds for refusing to answer the question. Now, do you have any other legal grounds upon which you claim a right to refuse?

Mr. WAXMAN. I have other grounds. I refuse to answer this question on my own highest sense of morality which will not permit me—

Mr. TAVENNER. That is not, or that has nothing to do with a legal reason.

Mr. DOYLE. I am going to have to insist firmly and I will try to be fair the same as I did with your copatriot Max.

Mr. WAXMAN. My co-American.

Mr. DOYLE. I hope you don't throw down a medal of the United States and want to get rid of it, too, as he did; but nevertheless I had to insist that he desist from argumentatives and now I am going to have to insist on that with you.

Mr. WAXMAN. I can't differentiate.

Mr. DOYLE. I can differentiate, and if you can't differentiate between argumentative and reasoning, I think that I can and I will insist on my rulings, as long as you don't know the difference.

Mr. TAVENNER. Is there any other constitutional ground upon which you desire to base your refusal to answer?

Mr. WAXMAN. Well, I have been trying to give my reasons.

Mr. TAVENNER. Well, you may have as a reason that you don't like the necktie that I am wearing or something else, but that is not a legal reason. Now, I am asking you if you have any constitutional grounds upon which you desire to base your refusal.

Mr. WAXMAN. I am still relating my answers to the first amendment.

Mr. TAVENNER. You have already asserted the first amendment as a ground, and now if you have any other I would like to hear it. (The witness conferred with his counsel.)

Mr. WAXMAN. Sir, I would like very much to give you my reasons and I feel that I have a right to give my reasons.

Mr. DOYLE. If it is argumentative, I will have to strike it out, and if they are reasons they may go in. But, for instance, your opinion of this committee is not a reason for your standing on your rights to refuse to testify.

Mr. WAXMAN. But it could be.

Mr. DOYLE. Well, it is not a valid reason.

Mr. WAXMAN. I am accepting my legal advice from my attorneys and I can't accept legal advice from you.

Mr. DOYLE. I don't offer it to you, you have good counsel; but I am not going to permit it. They know your rights, but I also know mine.

Mr. WAXMAN. If you would withdraw the question—

Mr. DOYLE. I will not withdraw the question. I am going to be firm and I am going to try conscientiously to be fair.

(The witness conferred with his counsel.)

(Statement made by the witness was ordered stricken from the record.)

Mr. JACKSON. Mr. Chairman, I am going to announce my intention of objecting to anything except constitutional grounds which have a standing in a court of law and I am not at all interested in the opinions of the witness.

Mr. ESTERMAN. May I request that no references be made to counsel which contain any innuendo that the answers are suggested by me. I am counseling this man as he has a right to have counsel. The answers are his and I hope that no suggestion to the contrary was contained in your remarks.

Mr. DOYLE. It was not so contained.

Mr. TAVENNER. Now, do you have any other constitutional basis for your refusal to answer?

Mr. WAXMAN. I further decline to answer this question on the grounds of the fifth amendment to the Constitution, any and all provisions applying thereto, with specific reference to that portion which states that no one may be compelled to be a witness against himself—the precious, hard-fought-for and hard-won right to protect innocent people from inquisitorial oppression.

Mr. TAVENNER. Now, Mr. Chairman, having assigned that constitutional ground as a basis for his right to refuse to answer the question, I think that is sound. I see no reason for insisting on answering the question further.

I have no further questions.

Mr. JACKSON. I have no further questions.

Mr. DOYLE. We have no further questions, Mr. Waxman. Thank you very much.

(The witness was excused.)

Mr. TAVENNER. I will call Pauline Hopkins.

Mr. NEUSOM. Mr. Tavenner, if you will remember, I discussed that matter with you and that was continued to November 17.

Mr. TAVENNER. I didn't recall. I thought it was continued until today.

Mr. NEUSOM. It was continued to November 17, and you will remember the specific facts.

Mr. TAVENNER. I will accept your word for it.

Mr. NEUSOM. Thank you.

Mr. TAVENNER. I will call Herman Waldman.

Mr. DOYLE. Mr. Waldman, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WALDMAN. I do.

TESTIMONY OF HERMAN WALDMAN (DAVID WOLFE), ACCOMPANIED BY HIS COUNSEL, THOMAS G. NEUSOM AND WILLIAM B. ESTERMAN

Mr. WALDMAN. Mr. Doyle, may I request, as the others did, that there be no photographs taken during the testimony?

Mr. DOYLE. I think, if the press will cooperate. Of course, I suppose the press might logically raise to me sometime that they have

certain rights under the first and fifth amendments, the freedom of the press. I notice so many witnesses have claimed the first and fifth amendments and mentioned the freedom of the press. This is a public meeting and the press may fire that back at me, Mr. Waldman; don't you see?

Mr. WALDMAN. Mr. Doyle, if I may be permitted to testify fully and in my own way, I will make no objections to the press taking all of the pictures they want during the testimony.

Mr. DOYLE. I know they will cooperate, but I do not want to remind you and myself that they pleaded the freedom of the press.

Mr. WALDMAN. I have no intention of interfering with the freedom of the press.

Mr. DOYLE. I know you don't, but I just wanted to remind the press and myself and you and the other witnesses that they are here under the freedom of the press and they have their constitutional rights.

Mr. WALDMAN. However, when a person sits up before a Congressman from the United States Congress and his fellow citizens and must give his position and must state his position clearly, frankly, and forthrightly on a number of very important issues, it is—and I plead this to the press—very disconcerting to have flashbulbs popping in your face.

Mr. DOYLE. I am sure that they will cooperate with you and with you especially, because you have made it very clear.

Mr. WALDMAN. May I say in advance that I came here under subpoena and I am being asked to state my position very forthrightly and frankly on a number of very important issues in front of my fellow citizens and in front of two Members of the Congress of the United States, and I shall do so; but, in response or in return, I think it is only fair of me to ask the courtesy of the committee to allow me to state my answers as fully and as completely as I feel does justice to my position.

Mr. DOYLE. Well, now, let's understand each other. You were in the hearing room this morning; weren't you?

Mr. WALDMAN. Yes, sir.

Mr. DOYLE. And you were here this afternoon and you have heard my rulings?

Mr. WALDMAN. Yes, sir.

Mr. DOYLE. They will apply to you, sir, the same as they have to the others; so, don't get into the field of a prepared argument. We will receive all of the legal valid reasons you want, and we will stay here to hear them, but I will not vary from my rulings as applied to the other witnesses.

Now, let's go ahead, please.

Mr. TAVENNER. What is your name, please, sir?

Mr. WALDMAN. My name is Herman Waldman.

Mr. TAVENNER. Are you known by any other name?

Mr. WALDMAN. Professionally, in the theater, on the stage, in motion pictures, radio, and television, I have used the professional actor's name of David Wolfe.

Mr. TAVENNER. How do you spell Wolfe?

Mr. WALDMAN. W-o-l-f-e.

Mr. TAVENNER. Will counsel please identify themselves for the record.

Mr. NEUSOM. Thomas G. Neusom and William Esterman.

Mr. TAVENNER. When and where were you born, Mr. Waldman?

Mr. WALDMAN. I was born in Chicago, Ill., in 1917.

Mr. TAVENNER. Where do you reside now?

Mr. WALDMAN. In Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. WALDMAN. To the best of my recollection since June of 1940.

Mr. TAVENNER. What is your profession?

Mr. WALDMAN. I am an actor, a blacklisted actor.

Mr. TAVENNER. In the field of radio?

Mr. WALDMAN. In the field of radio and in the field of television and in the field of the theater and in the field of motion pictures; and I am blacklisted in all of them.

Mr. TAVENNER. There has been testimony before this committee within the past few days by Mr. Owen Vinson and Mr. Paul Marion that you were a member of the Communist Party cell of which they were members and which consisted of persons in radio. They identified you as a member of that group. Was that testimony true or false?

(The witness conferred with his counsel.)

Mr. WALDMAN. May I respectfully request to cross-examine these witnesses whose testimony you referred to, Mr. Tavenner?

Mr. TAVENNER. You may address your request to the committee, but it is one that has never been granted to my knowledge.

Mr. WALDMAN. May I request of the committee to cross-examine the witnesses?

Mr. DOYLE. We have no procedure set up, Mr. Waldman, for such procedures as that. We would never get anywhere in our investigation of subversive activities if the committee tried to take the time or make opportunity for every witness who was named under oath to cross-examine the witnesses who swear that they were Communists under oath. You were in the courtroom—I mean in the hearing room—yesterday when your name was mentioned.

Mr. WALDMAN. I agree with you that it has all of the atmosphere of a courtroom but without due process of law.

Mr. JACKSON. It is a courtroom literally, without reference to the presence of this committee, I believe.

Mr. DOYLE. You mean the physical situation in which we are located?

Mr. JACKSON. I believe so.

Mr. NEUSOM. It is a civil-service examining room; it is not a courtroom.

Mr. JACKSON. This committee is governed by the rules of the House of Representatives, and the rules of the House of Representatives in no instance make any provision for the cross-examination of witnesses. We are solely carrying out our function, as do other committees of the House, and there is no provision in any committee of the House of Representatives nor of the United States Senate, so far as I know, for cross-examination of witnesses by counsel.

Mr. WALDMAN. The rules of the House of Representatives also provide that Congress can make no law respecting or abridging the freedom of speech.

Mr. DOYLE. Let's get on rather than being argumentative and answer the question. I am going to be firm and fair, but I am not going to permit you or any other witness to be argumentative if I can help it.

Mr. WALDMAN. It is not my purpose to be argumentative.

Mr. DOYLE. Well, manifestly so. You have been asked a question. What is your answer?

Mr. WALDMAN. I decline to answer that question on the following grounds: May I state my grounds?

Mr. DOYLE. Of course, if they are legal and valid grounds; but, if you have a paper you are going to read, file it with us.

Mr. WALDMAN. These are notes, Mr. Doyle.

Mr. DOYLE. All right; I will take your word for it.

Mr. WALDMAN. First, I decline on the basis of the first amendment of the Bill of Rights of our Constitution of the United States, which provisions expressly state that Congress can make no law abridging freedom of speech or of the press or of association or of the right of the people peacefully to petition their Government for redress of grievances. It is my position that this question is in violation of that provision of the Constitution because, if Congress has no right to make laws abridging freedom of speech in this area, it has no right to investigate in this area, since the purpose of this committee is to make laws. The purpose of the investigation is to result in legislation that is patently unconstitutional.

Mr. DOYLE. That is very well stated, and I appreciate your being brief and right to the point.

(Statement made by the witness was ordered stricken from the record.)

Mr. WALDMAN. In direct constitutional relationship to this question, Mr. Doyle, may I submit this piece of documentary evidence which I call "Waldman Exhibit No. 1"?

Mr. DOYLE. I will be very glad to receive it.

Mr. WALDMAN. It is Mr. Justice Douglas' article reprinted from the New York Times on The Black Silence of Fear, and he attributes it directly in part to this committee's activities.

(Statement made by the witness was ordered stricken from the record.)

Mr. WALDMAN. I further decline because it is my position that this committee is unconstitutionally constituted on the basis of the fourteenth and fifteenth amendments to the Constitution, especially the fifteenth amendment to the Constitution, which provides that no person shall be denied his right to vote by reason of his race or color.

(Statement made by the witness was ordered stricken from the record.)

Mr. WALDMAN. I am stating my constitutional grounds for refusing to answer the question. That is a definite constitutional ground.

Mr. NEUSOM. It is one of the constitutional grounds that he is stating, and it is an amendment to the Constitution of the United States.

Mr. DOYLE. Well, let the reference to the amendment itself stand in the record, but not as to the argument as to one of the members of this committee coming from that State.

(Statement made by the witness was ordered stricken from the record.)

Mr. WALDMAN. Counsel has referred to the testimony of Mr. Vinson and Mr. Marion, I believe. In respect to Mr. Vinson's testimony, he said these alleged Communists were good citizens, sincere people. [Quoting:] "I never knew them to be engaged in any subversive activity, and I never heard them discuss force or violence." Why then are these sincere individuals that he refers to, why then are people—

Mr. DOYLE. You are getting into the argumentative field and it will be stricken. You were here and heard the testimony, and you heard him testify substantially as you have stated, and now if you were in that Commie group, as long as it has been testified by him that he did not know any of them in that group that were subversive, if you were in that group, why do you not come and say so? We are not charging you with being subversive nor making any charges against you, excepting that we have under oath two responsible men who we believe to be responsible, who said you were in the Commie group, and you heard them testify out of their own mouths that the members of that group, as far as they knew, were not subversive.

Now, therefore, it seems to me a perfect plan for you to get out on, because if you were in that group, why don't you say "Why, sure I was in that group and I was not subversive, and you heard two men testify I was not subversive." Why not do that? Then we can go into the question of processes of the Commie Party cell of which it was sworn you were a member.

Mr. WALDMAN. Do you have the power, Mr. Doyle, does the committee have the power to investigate nonsubversive activities?

Mr. DOYLE. We are charged with investigating subversive activities and propaganda, and we would not waste our time knowingly in investigating nonsubversive activities.

Mr. WALDMAN. And yet your most cooperative witnesses have stated that they are nonsubversive witnesses.

Mr. JACKSON. Now, Alger Hiss went to prison, and there have been people found guilty in the courts of the land for transferring top-secret documents of the United States Government to foreign powers, and now let us not be naive enough to assume the Communist Party activities as they relate to espionage and sabotage are not dangerous and are not subversive. This committee has listened to a great deal, or you have heard a great deal of testimony here during the past few days, but the committee has listened to millions of words of testimony, much of it more authentic, I believe, and better documented than that of the witnesses to whom you are referring. They are men who are experts in the field of sabotage, but to contend that this is a harmless precocious prank that is being played on the American people is to carry our credulity to a rather extreme length.

Mr. WALDMAN. In 5 years of the investigation of the motion-picture industry, has there ever been any evidence presented that espionage and sabotage has been going on?

Mr. JACKSON. No, but there has been ample evidence to indicate that the funds that probably made possible a great deal of the espionage and sabotage came out of the moving-picture industry.

Mr. WALDMAN. Mr. Jackson, there are laws covering espionage and sabotage.

Mr. JACKSON. That is quite true.

Mr. WALDMAN. And if there are any illegal activities going on, the courts of the United States have the power to prosecute those activities and to convict the criminals.

Mr. JACKSON. And they do indeed do just that. However, much of the material upon which they have worked has been developed in the House Committee on Un-American Activities. Let us not forget that fact. That is precisely what we are after in the present instance. If you are indeed not in any way connected with a subversive organization, again I say here is the best forum in the world for you to deny it, to your fellow workers, to your friends, and to your neighbors, but let us not attempt to rationalize the conspiratorial nature of communism by simply saying, "Well, there is nothing conspiratorial about it."

Mr. ESTERMAN. May I point out most respectfully that we are operating under a presumption of innocence, and we are not required to prove our innocence against the presumption of guilt? Is this witness charged with any crime?

Mr. DOYLE. You know the rules, Counsel, and counsel is not permitted to argue to the committee. The witness is the one who can testify.

Mr. ESTERMAN. I just wanted to ask a question.

Mr. DOYLE. That is the same thing in another way, Counsel. The witness is perfectly able to take care of himself, apparently.

(Statement made by the witness was ordered stricken from the record.)

Mr. DOYLE. You have given the constitutional amendments on which you are relying. If you have given all of them, why, tell us so, and we will proceed to the next witness.

Mr. WALDMAN. I have not given all of them.

I further decline on the basis of the ninth and tenth amendments, which generally provide that those powers not delegated to the Congress of the United States or to the States reside in the people, and are retained by the people.

I further decline on the basis of the fifth amendment, specifically two provisions of the fifth amendment. First, that provision which states that no person may be deprived of life, liberty, or property without due process of law.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. DOYLE. You answer the questions, please.

Mr. WALDMAN. In response to a question of Mr. Margolis, I heard Mr. Jackson say—

Mr. DOYLE. I know you have come prepared to be argumentative, and I do not blame you, but we do not have time to do it.

Mr. WALDMAN. I am trying to defend my right to work.

Mr. DOYLE. We want you to defend that, and I realize how precious it is.

Mr. WALDMAN. For instance, I heard you say in what I assume is good faith, I heard you say, "We want these people to testify so they can go back to their jobs and their business" and would you guarantee that I have a job to go back to after I testify? Would you guarantee me that?

Mr. DOYLE. I wish I could. I wish I could have your guaranty that you are not a member of the Communist Party. You could get some guaranty then.

Mr. WALDMAN. To answer that question, Mr. Doyle, would be to lay open the whole field of privacy of belief and association and free expression of ideas to the inquisitorial procedures of committees just like this. I believe in standing on my constitutional rights and that I am defending the rights of all Americans.

Mr. DOYLE. We want you to stand on your constitutional rights.

Mr. WALDMAN. It is free thought, free speech, and the freedom to read what they please. It is a freedom which, by the way, Mr. Velde would deny them with his book-burning bill.

Mr. DOYLE. You pleaded the fifth amendment and you have read one section of it, and let us have the other. I do not want to foreclose you.

Mr. WALDMAN. I think it was the fourth amendment that I read.

Mr. DOYLE. I beg your pardon.

Mr. WALDMAN. No, that is in the fifth amendment, that no person shall be deprived of life, liberty, and property without due process of law; isn't that right, Mr. Tavenner?

Mr. TAVENNER. If you have any further grounds, we would be glad to have them.

Mr. WALDMAN. I do, Mr. Tavenner.

I further claim that provision of the fifth amendment which provides that no person may be compelled to bear witness against himself.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. WALDMAN. I decline to answer that question on the following grounds.

Mr. DOYLE. If this is a suggestion that meets with the approval of counsel, inasmuch as it may not waive any constitutional rights, why do you not give the same "The same reason, the same answer, and the same grounds," if it is the same reason?

Mr. ESTERMAN. We are not prepared to stipulate that, Mr. Congressman.

Mr. DOYLE. I am not going to let him go over those same reasons again, I will tell you that.

Mr. ESTERMAN. If counsel of the committee will stipulate it is the same question.

Mr. TAVENNER. It is not the same question.

Mr. ESTERMAN. Then we cannot stipulate.

Mr. WALDMAN. I decline to answer the question on the following grounds: First, on the basis of the fifth amendment, Mr. Doyle, and second, on the basis of the fourteenth and fifteenth amendments.

Mr. TAVENNER. Mr. Chairman, just a moment. May I interrupt. The witness has based his refusal to answer on the fifth amendment which is recognized as a valid ground for refusal to answer. Inasmuch as the committee agrees to that, there is nothing more that he might say that would be material.

Mr. WALDMAN. Am I not allowed to finish my declination?

Mr. TAVENNER. Under the circumstances where the committee accepts it, I would think no. It is absolutely immaterial and irrelevant.

Mr. DOYLE. That is right. I have no further questions. Shall we excuse the witness?

Mr. WALDMAN. This question, the answer is incomplete, isn't it? I didn't finish.

Mr. TAVENNER. You have based your refusal to answer on the fifth amendment, which this committee recognizes is a legal defense to your answering the question.

Mr. WALDMAN. May I finish the answer?

Mr. TAVENNER. There is nothing more need be said, unless you want to make a speech.

Mr. WALDMAN. No, I want to assert my constitutional rights.

Mr. TAVENNER. You have asserted all of the rights that are needed, and I can see no reason for answering anything further about it, and I have nothing more to ask the witness.

Mr. NEUSOM. I respectfully submit that where a witness is asked a question, and he feels that his answer is based on more than one provision of the Constitution—

Mr. DOYLE. I do not want you to argue, I cannot permit you to argue, but I think that if counsel please, I will allow this witness to refer to the two additional amendments, the fourteenth and fifteenth, without arguing about them, and then you have every constitutional amendment in.

Mr. WALDMAN. May I base my declination on the first and the ninth and tenth amendments, in addition to the provision of the fifth, which provides that no person may be compelled to bear witness against himself.

Mr. DOYLE. Yes, Mr. Waldman, it will be so understood.

Are there any further questions?

Mr. TAVENNER. No, sir.

Mr. JACKSON. I have no further questions.

Mr. DOYLE. I have no questions. You are excused.

(The witness was excused.)

Mr. TAVENNER. I will call Annette Harper.

Mr. DOYLE. Will you please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss HARPER. I do.

Mr. DOYLE. Thank you.

TESTIMONY OF ANNETTE HARPER, ACCOMPANIED BY HER COUNSEL, THOMAS G. NEUSOM AND WILLIAM B. ESTERMAN

Mr. TAVENNER. What is your name, please?

Miss HARPER. My name is Annette Harper.

Mr. TAVENNER. May the record show that the witness is represented by the same counsel as the former witness, if that be true?

Mr. ESTERMAN. Yes, that is correct.

Mr. TAVENNER. What is the place of your birth?

Miss HARPER. Los Angeles, Calif.

Mr. TAVENNER. What is your occupation?

Miss HARPER. I am a stenographer.

Mr. TAVENNER. At this time you say that you are a stenographer?

Miss HARPER. Yes, I am.

Mr. TAVENNER. Have you followed any occupation or profession prior to being a stenographer?

Miss HARPER. Yes, I have been an actress, a radio actress primarily.

Mr. TAVENNER. During what period of time were you a radio actress?

Miss HARPER. Between the years of approximately 1938, I think, and up to about the first of either 1950 or 1951.

Mr. TAVENNER. Are you acquainted with Mr. Owen Vinson, and Mr. Paul Marion?

(The witness conferred with her counsel.)

Miss HARPER. Mr. Tavenner, I decline to answer that question for the following reasons. First of all, I decline to answer because I feel that the very nature of the question is in violation of the first amendment to our Constitution which guarantees us freedom of speech and freedom of association. It guarantees us that. The very act of your subpoenaing people up here to question them as to whom they associate with is in violation of the Constitution and I decline to answer on the grounds of the first amendment.

I decline to answer also because one of the witnesses you had up here who under oath claimed to have been a member of the organization under question for some years——

Mr. TAVENNER. What organization?

Miss HARPER. I decline to answer that, Mr. Tavenner on the grounds of the first amendment. Was that a——

Mr. TAVENNER. You referred to membership in an organization, and I wanted to know what organization you were referring to.

(The witness conferred with her counsel.)

Miss HARPER. I was referring to Mr. Vinson's testimony, in which he said that he had been a member of the Communist Party, and now may I finish the answer?

Mr. TAVENNER. Proceed.

Miss HARPER. He claimed under oath that the people whom he had named here were not subversives to his knowledge, and had never advocated anything of a subversive nature to his knowledge, and that he considered them to be good Americans.

I decline to answer because I feel that the committee has no grounds on which to call these people up here in the first place. I decline to answer for the further reason, Mr. Tavenner, that to answer this question in either direction would place me in the odious position of these little men who have been an instrument in the blacklisting of their fellow professionals from employment, for which they ably proved themselves capable, and I refuse to be a part in destroying any of the amendments to the Constitution, and I refuse to be a part of the blacklist procedure, and I decline to answer that question, Mr. Tavenner, on the grounds of the fifth amendment, all of it. I feel that the framers of our Constitution perhaps had in mind the first amendment might be violated some time, and they gave every American citizen this added protection of the fifth amendment, and I decline to answer on the basis of the fifth amendment.

Mr. TAVENNER. Have you at any time been a member of a cell or group of the Communist Party organized within the radio profession, and I am referring particularly to the cell or group of the Communist Party that you mentioned, that one which Mr. Owen Vinson was a member of?

Miss HARPER. That is part and parcel of the same question, and I decline to answer that question on all of the grounds I have previously stated and for the same reason.

Mr. TAVENNER. Are you now a member of the Communist Party?
(The witness conferred with her counsel.)

Miss HARPER. It is the same question and I have the same answer for the same reason.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. I have no questions.

Mr. DOYLE. No questions. Thank you very much for being specific and comparatively brief.

(The witness was excused.)

Mr. TAVENNER. I will call Mr. David Ellis.

Mr. ELLIS. May I request that photographs be taken before I begin my testimony?

Mr. DOYLE. Mr. Ellis, do you swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ELLIS. I do.

Mr. DOYLE. Thank you.

TESTIMONY OF DAVID ELLIS, ACCOMPANIED BY HIS COUNSEL, WILLIAM B. ESTERMAN AND THOMAS G. NEUSOM

Mr. TAVENNER. What is your name, please, sir?

Mr. ELLIS. My name is David Ellis.

Mr. TAVENNER. May the record show that he is represented by the same counsel as the former witness, if that be true.

Mr. ESTERMAN. That is right, Mr. Tavenner.

Mr. TAVENNER. Will you give us the date and place of your birth please?

Mr. ELLIS. I was born August 22, 1923, Chicago, Ill.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. ELLIS. I am a resident of Los Angeles County.

Mr. TAVENNER. How long have you been a resident of Los Angeles County?

Mr. ELLIS. Approximately since September of 1944.

Mr. TAVENNER. What is your profession?

Mr. ELLIS. I am a writer and an actor.

Mr. TAVENNER. Have you been a writer and an actor in radio?

Mr. ELLIS. Among other media, yes.

Mr. TAVENNER. During what period of time?

Mr. ELLIS. I have been a writer in radio intermittently and sporadically since 1943, I believe. I have been a writer mostly from 1940—I beg your pardon, since 1951 to 1952, a little before that.

Mr. TAVENNER. Mr. Ellis, there has been testimony that there is in existence in Los Angeles a Communist Party unit or group within the field of radio. It is the same group as to which Mr. Owen Vinson and Mr. Paul Marion testified that they were members. You have been identified by Mr. Vinson as having been one of the members of that group. Were you a member of that group or cell of the Communist Party at any time?

Mr. ELLIS. Mr. Tavenner, I am going to refuse to answer that question. I have been very hard at work in determining what my answer should be and how it should be formulated. I believe the reasons I have for my declination are all legal reasons. This declination will take approximately one minute and 30 seconds, and I should like to complete the answer to this question in my own way and within the

limits of that time. It may take a little longer, but I should like the courtesy of this committee in making my declination in my own words.

Mr. DOYLE. Subject to the same ruling I have made before with the other witnesses, whom you have heard testify, we will try not to interrupt you.

Mr. ELLIS. Thank you, Mr. Doyle.

I refuse to answer your question on the grounds of the entire Constitution of the United States of America, because to answer this question would be to sell that Constitution to you and neither the Constitution of the United States nor I am for sale.

(Statement made by witness was ordered stricken from the record.)

Mr. DOYLE. I am sorry, Mr. Esterman, you know what the rules of the committee are, and I cannot permit you to argue. You do not claim that is legal ground?

Mr. ESTERMAN. If the witness took the position that a particular position of the committee was illegal, whether he was right or not, that is a legal ground. Why can't it stay in the record?

Mr. DOYLE. I ordered it stricken on motion, and my ruling still stands.

Mr. JACKSON. Will counsel please address the committee through the witness?

Mr. ESTERMAN. Through the witness?

Mr. JACKSON. The function of counsel is to advise the witness on questions of constitutionality.

Mr. ESTERMAN. I will accept that.

(The witness conferred with his counsel.)

Mr. ELLIS. Mr. Chairman, I would like to make a request of the committee, that every item in my refusal be left in the record as I believe it is not the prerogative of this committee to examine whether my answers are legal or not legal, and it is up to some other body. I believe that these are legal grounds; since there seems to be a difference between us, about the legality of these grounds, I feel that it is not the prerogative of either of us to decide what should be left in the record, and what should not be. I am willing to stand on what I have said in the record, and I should think that this committee would be willing to stand on the accusations I make against it as well, if they have proof that these accusations are wrong.

Mr. DOYLE. Have you answered now all of your claims of valid reasons why you should not answer Mr. Tavenner's question as to whether or not you were a member of the Communist cell?

Mr. ELLIS. I have not finished. I have further reasons.

Mr. DOYLE. Let us get back to that. That is the question before us.

(The witness conferred with his counsel.)

Mr. ELLIS. May I continue, Mr. Chairman?

Mr. DOYLE. Give your valid reasons.

Mr. ELLIS. I refuse to answer this question on the grounds of the first amendment of the Constitution of the United States which allows me the right to think as I please, join what I please, or not join what I please, see whom I please, talk to whom I please, and associate with whom I please.

I further refuse to answer this question on the grounds of the fifth amendment of the Constitution which allows me the right of silence.

which is integral with the first amendment of the Constitution of the United States. I refer to those provisions of the fifth amendment which pertain to or might apply to the question asked me and the answer to that question.

Mr. DOYLE. Are there any other questions, counsel?

Mr. ESTERMAN. May I hear the last few words?

(Part of answer read by the reporter.)

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. ELLIS. That question is the same question in different form and I refuse to answer that question on the same grounds, specifically and most importantly the grounds of the first amendment of the United States of America, and also the fifth amendment, which allows that a man not be forced to testify against himself.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Thank you, Mr. Ellis.

May the witness be excused?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. All right.

(The witness was excused.)

Mr. TAVENNER. Mr. Wolff.

Mr. DOYLE. Mr. Wolff, do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WOLFF. I do.

Mr. DOYLE. All right.

TESTIMONY OF WILLIAM WOLFF

Mr. TAVENNER. What is your name, please, sir?

Mr. WOLFF. Mr. Chairman, before responding to any questions, may I request of this committee the same assurance that was given to a witness, the assurance that I shall not be subject to the blacklist, that I will not meet with reprisal as a result of any testimony I may present to this committee?

Mr. DOYLE. I do not know of any such assurance, Mr. Wolff, given by this committee to any witness.

Mr. WOLFF. I was in this hearing room when a so-called friendly witness presented testimony at the conclusion of which Mr. Jackson made a public statement, and read into the record the request that the witness nor his wife meet with any reprisal as a result of his appearance before this committee.

Mr. DOYLE. That may be.

Mr. JACKSON. Is the witness prepared to cooperate with this committee?

Mr. WOLFF. Is that a condition?

Mr. JACKSON. It is not a condition at all.

Mr. WOLFF. Then what is your position on the question of blacklist?

Mr. JACKSON. The blacklist is not pertinent on this inquiry in any respect, and I have no position with respect to the blacklist, but I do have a position with respect to loyal Americans who come forward to give testimony which is needed by this committee, the Congress and the American people. If you were prepared to cooperate with the committee, I should be very happy to give you the same send-off.

Mr. WOLFF. May I submit, Mr. Chairman, that if the question of a

blacklist was not pertinent to this investigation, then what was the pertinence of Mr. Jackson's statement?

Mr. DOYLE. Now, Mr. Wolff, I am going to rule it is argumentative, and we are not here to be questioned by you, although we would like to have time to answer questions and discuss things with you, and we are going to proceed to the purpose of the committee; that is, to ask you a few pertinent questions. If you have prepared a statement, which apparently you have in typewriting, we will be glad to receive it, but I will not let you read it. That is a rule of the committee. As long as I see 15 or 20 typewritten cards in front of you for your memorandum, may I say that my same ruling will apply to you, and I will not permit you to be argumentative, and I will try to be fair, but I will also be firm.

You have been in the room these last few days, and evidently you are prepared to argue with the committee, and I can understand that, but I will not permit argument. So let us proceed.

Mr. WOLFF. May I submit, Mr. Chairman, that my understanding, and I request the clarification on this understanding, as very pertinent to the testimony I am about to submit, and I request some clarification of this committee's position on the black list.

Mr. DOYLE. We are not here to argue with you.

Mr. WOLFF. This is not an argument. This is a simple question, which can receive a simple answer.

Mr. DOYLE. We will proceed with the process of the committee as we ordinarily do, and we will make no exception for you, sir. We have not the time nor the opportunity to do it.

Mr. WOLFF. Am I to assume that exceptions are made for some witnesses and not for others?

Mr. DOYLE. Counsel, have you any questions to ask Mr. Wolff? If you have, proceed.

Mr. TAVENNER. I would still like to know his name.

Mr. WOLFF. My name is William Wolff, and before I complete that answer, I should like to make another request of the Chair. I should like to request the permission that has been granted to other witnesses to read into the record and not merely have filed a statement which I have prepared.

Mr. DOYLE. I do not know of any statement.

Mr. WOLFF. I then answer to that, and I refer to the committee reports, page 2157, or rather page 2158 as follows:

Mr. TAVENNER. You have a prepared statement?

Mr. GOLDBERG. Yes; I do.

Mr. TAVENNER. Would you care to read it?

Mr. GOLDBERG. I would prefer to.

Mr. TAVENNER. Very well, proceed.

May I then refer to page 2163 of the record:

Mr. TAVENNER. You may proceed to read your statement or to make an oral statement as you choose.

Mr. RILEY. I would prefer with the permission of the chairman to read it.

Mr. WOOD. Very well.

I then refer to page 2174.

Mr. RUSSELL. Do you have a prepared statement?

Mr. SIEGEL. I do.

Mr. RUSSELL. Mr. Chairman, I suggest that Mr. Siegel be permitted to read his statement into the record at the present time.

Mr. WOOD. Very well, Mr. Siegel, we will be glad to have you do that.

Shall I continue, Mr. Chairman?

Mr. DOYLE. Well, now, let me ask you how long it is, and how long your statement is, and there are many times——

Mr. WOLFF. It is a one page statement, and it not even a complete statement.

Mr. DOYLE. There are many times when witnesses appear before us and we have ample opportunity to hear their statements read, and when that is true, we are glad to have them do it. As long as you only have a one page statement, I think perhaps we could do that.

Mr. TAVENNER. Mr. Chairman, may I suggest that you examine the statement before you permit it to be read?

Mr. WOLFF. Have these other witnesses been asked to present their statements for examination?

Mr. JACKSON. We are not here to answer your questions.

Mr. WOLFF. I am acting on a precedent established by this committee.

Mr. JACKSON. It is quite likely that those witnesses were cooperating with this committee, or giving us the benefit of some information. Certainly I should be inclined to or disposed to object to any statement being read which is simply read for the purpose of attacking this committee and its purposes.

Mr. WOLFF. Mr. Chairman, I submit——

Mr. TAVENNER. May I suggest that——

Mr. WOLFF. I do not submit any statement for censorship not to this committee or anybody.

Mr. DOYLE. All right, then. You are denied the opportunity at this time to file your statement or to read your statement. The record will so show.

Proceed and answer the question.

Mr. WOLFF. May I present the statement to the press?

(A statement was given to the press.)

Mr. TAVENNER. Will you tell us your name?

Mr. WOLFF. My name is William Wolff. The name Wolff-Hitler appears upon my birth certificate, and the explanation for that statement as explained to me by my mother is that she had wished to have me named——

Mr. TAVENNER. Will you answer the question?

Mr. WOLFF. I believe I am.

Mr. TAVENNER. You are going far beyond, and I did not ask you what your mother said to you.

Mr. WOLFF. Well, there is a difference.

Mr. TAVENNER. How do you spell your name?

Mr. WOLFF. W-o-l-f-f.

Mr. TAVENNER. When and where were you born, Mr. Wolff?

Mr. WOLFF. I was born in New York City, on the East Side of New York City.

(Statement made by the witness was ordered stricken from the record.)

Mr. TAVENNER. What was the date of your birth, Mr. Wolff?

Mr. WOLFF. I was born on the 9th of June 1909.

Mr. TAVENNER. What is your occupation?

Mr. WOLFF. I am a blacklisted writer.

Mr. TAVENNER. In what field have you been a writer, in the field of radio, movies, or what?

Mr. WOLFF. I have written for radio and television.

Mr. TAVENNER. During what period of time have you written for radio and television?

Mr. WOLFF. Approximately from the year 1945, and until the receipt of my subpoena, before I even appeared to testify. This is a blacklist, Mr. Chairman, and I would like to know your position on it. I was blacklisted before I presented testimony to this committee, and what do you think of that?

Mr. JACKSON. Go to the people who blacklisted you and do not come here to this committee.

Mr. WOLFF. I am here before the people who were instrumental on my blacklist, and I request that kind of a statement.

Mr. DOYLE. Have you any other question?

Mr. TAVENNER. It has been testified by Mr. Paul Marion and Mr. Owen Vinson that they were members of a cell or group of the Communist Party organized within the radio field here in Los Angeles, and both of them identified you as a member of the same group with them. Were you a member of that group of the Communist Party at any time?

Mr. WOLFF. May I have the fundamental right of being confronted by the witnesses who have so testified and an opportunity to cross-examine them, which is basic to the law of the land?

Mr. DOYLE. I will direct you to answer the question, Mr. Wolff.

Mr. WOLFF. Will you repeat the question?

Mr. TAVENNER. Read the question.

(Question was read by the reporter.)

Mr. WOLFF. In response to this question, I shall refuse to answer it, because I shall not permit myself to be a party to persons, to instrumentalities, to committees, which create a blacklist. My reason for refusing is because it is not the function of government to keep the citizen from falling into error, but rather the function of the citizen to keep the Government from falling into error. I so do now.

I further refuse to respond or rather to answer this question in a manner indicated under the rights of the first amendment which does not grant to this nor to any other committee the right to invade the freedom of ideas, the freedom of people to think, to write, to speak, to associate, to assemble, the freedom of the press, and I refuse to be a party to any contravention of that right.

I further decline, invoking my privileges under the fifth amendment which conversely gives me the right to be silent if I so choose, but more specifically to that part of the fifth amendment which states that no citizen shall be deprived of life, liberty, or property, and my right to a job and a right to support my family is a sacred property.

Further, I refuse to answer under that same privilege of the fifth amendment which states that no one shall be compelled to be a witness against himself nor compelled to give answers which might contrive, or might be contrived or might be interpreted or might tend to incriminate himself.

I further decline under my understanding of the sixth amendment, which states that a person accused of a crime be so informed of its nature, the cause of its accusation to be confronted with the witnesses against him, and have the right of cross-examination.

I further decline to answer this question on a basis of my understanding of the ninth and tenth amendments, which unequivocally

states that the rights and privileges not granted to the Government under the Constitution revert to the people and I regard this inquisition as an invasion of those rights.

I further decline to answer on a basis of my understanding of the fourteenth amendment with specific reference to section 3 which states that no person shall be a Senator or a Representative in Congress who, having previously taken an oath as a Member of Congress to support the Constitution of the United States, shall have given aid or comfort to the enemies thereof, and I here charge that the members of this committee have violated their oaths.

Mr. DOYLE. That will be stricken as a malicious and despicable insult, untrue, and known to be untrue when it is uttered by this witness.

Mr. WOLFF. I challenge that interpretation, Mr. Chairman.

Mr. DOYLE. I do not.

Mr. JACKSON. For the benefit of the other Members of the House and Senate, I respectfully suggest that the words be allowed to remain in the record.

Mr. DOYLE. I think that I will withdraw my direction that that last answer be stricken, and we will leave it in and let the Congress of the United States see what this man says.

Mr. WOLFF. Thank you, Mr. Chairman, and it is a rare instance of impartiality on your part.

Mr. DOYLE. Well, I am a rare Congressman.

Mr. WOLFF. Indeed you are, sir.

Mr. DOYLE. Any other questions?

Mr. WOLFF. I have not finished my responses.

Mr. TAVENNER. I do have another question.

Mr. DOYLE. If you have any more responses that are not deliberate and malicious falsehoods—

Mr. WOLFF. I reject that inference and I think you have no right to make such inference.

Mr. DOYLE. When you deliberately and maliciously throw that into your propaganda, and you know it is deliberately false and malicious, I resent it.

Mr. WOLFF. I know nothing of the sort, and I do not agree to any type of allegation you may make on that basis.

Mr. DOYLE. We will leave it in the record, what has been said about it.

(Statement made by the witness was ordered stricken from the record.)

Mr. WOLFF. I further decline, and I wish the record to clearly indicate that while my appearance before this committee is an acknowledgment of the subpoena that I have received which I acknowledge a committee of Congress to have the power to issue thereof, my appearance is not to be construed as an acknowledgment of this committee even under the Public Law 601 which set it up, and which by its very wording was a contravention of the first amendment of the Constitution, and I refer to that section of Public Law 601 which instructs this committee to investigate subversive propaganda and activities, and I maintain that no idea is safe if any ideas be permitted to be suppressed, restrained, or trampled upon.

Mr. TAVENNER. I have one further question. Are you now a member of the Communist Party?

Mr. WOLFF. In responding to this question, Mr. Chairman, since this committee has impugned the motives, the reasons, and the thinking and the beliefs of witnesses who have invoked their rights under the Constitution, I ask for the opportunity to explain my response to this question.

Mr. DOYLE. You are not going to be permitted to be argumentative, I will say.

Mr. TAVENNER. He has not responded to it yet.

Mr. DOYLE. What is your answer to the question, and then if you have any valid reasons, give them. Do you answer the question yes or no, or how, or do you decline to answer?

Mr. WOLFF. Once before, Mr. Chairman, in the history of our country—

Mr. DOYLE. Just a moment. I am not asking you for an argument, and I am not going to take more time from other witnesses even though you would like to take more time, and I am not going to grant it and let you be argumentative.

Mr. WOLFF. I am sure that you will state that all witnesses want to go home to their businesses, and you have stated before, and may I ask you what business, and what job that you have been instrumental in blacklisting me?

Mr. DOYLE. I am not going—

Mr. JACKSON. I move the witness be directed to answer the question.

Mr. DOYLE. There is a question asked you, and will you please answer it, and I will direct you to answer it, however you may.

Mr. WOLFF. May I have the question read?

(Question was read by the reporter.)

Mr. WOLFF. Mr. Chairman, Mr. Tavenner, I refuse to answer this question or questions similarly framed, devised, no matter how you cajole, and no matter how you frame them, and no matter how you wheedle or attempt to intimidate the witness, on the grounds that were I to respond to such a question, I will have denied my sacred right and duty as a citizen of the United States. I refuse to answer this question on the basis that it is a direct violation of the first amendment of the Constitution, which grants all people the right of association, the right of ideas, the right of thought, of speech, of writing, and no matter how unpopular it may be—

Mr. DOYLE. No, I am sorry; you have already given us that understanding.

Mr. WOLFF. Is this the same question or a new question?

Mr. JACKSON. You said it was substantially the same question, as I recall. Would your previous answers to your previous reasons cover your answer to this question as well?

Mr. WOLFF. I have not stated my reasons for declining to answer this question, Mr. Tavenner. I further decline to answer this question, and in so doing invoke my right under the fifth amendment, which gives me the right to be silent and for the reasons previously stated.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. JACKSON. I have no questions.

Mr. DOYLE. Thank you, Mr. Wolff. The witness may be excused.

(The witness was excused.)

Mr. DOYLE. The committee will stand in recess for 10 minutes.

(A short recess was taken.)

Mr. DOYLE. The hearing will please come to order, and counsel will proceed with the next witness.

Mr. TAVENNER. Mrs. Strauss.

Mr. DOYLE. Will you please raise your right hand? Do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss COMINGORE. I do.

Mr. DOYLE. Thank you.

**TESTIMONY OF DOROTHY COMINGORE (MRS. DOROTHY STRAUSS),
ACCOMPANIED BY HER COUNSEL, WILLIAM B. ESTERMAN**

Mr. TAVENNER. What is your name, please?

Miss COMINGORE. The name on the subpoena was Dorothy Strauss. However, I would prefer to be called Dorothy Comingore, C-o-m-i-n-g-o-r-e.

Mr. TAVENNER. Is your present name Dorothy Strauss?

Miss COMINGORE. Well, I am divorced from Mr. Strauss, and so I use my professional and maiden name.

Mr. TAVENNER. Would you spell your name, please?

Miss COMINGORE. I just did.

Mr. TAVENNER. I am sorry, I did not hear it.

Mr. DOYLE. May the record show that counsel is Mr. Esterman?

Mr. ESTERMAN. Yes.

Mr. TAVENNER. Where were you born?

Miss COMINGORE. In Los Angeles.

Mr. TAVENNER. Have you lived in Los Angeles all of your life?

Miss COMINGORE. No; I lived in San Francisco and New York and various places.

Mr. TAVENNER. How long have you been in Los Angeles at this time?

Miss COMINGORE. Well, off and on. I have been here for approximately 15 years.

Mr. TAVENNER. What is your profession?

Miss COMINGORE. I am an actress.

Mr. TAVENNER. How long have you been an actress in Los Angeles?

Miss COMINGORE. Approximately 15 years.

Mr. TAVENNER. Have you worked in the field of radio?

Miss COMINGORE. I wouldn't say I have worked in the field of radio. I did two broadcasts, one for the Government and one for someone else, but I am not primarily a radio actress at all.

Mr. TAVENNER. You then were primarily in the motion-picture field?

Miss COMINGORE. And the stage and TV.

Mr. TAVENNER. What have been some of the major credits that you have had?

Miss COMINGORE. Well, the one I am proudest of is Citizen Kane.

Mr. TAVENNER. Mr. Max Silver testified before the committee on Un-American Activities, and he stated that Dorothy Comingore was known to him in the Communist Party as "Linda," and that he knew you as a member of the Communist Party. Is that identification correct, that is, were you a member of the Communist Party at any time?

Miss COMINGORE. When did Mr. Silver say this?

Mr. TAVENNER. The 23d day of January of this year.

(The witness conferred with her counsel.)

MISS COMINGORE. Well, I would like very much to have Mr. Silver brought here so that my attorney could cross-examine him.

MR. TAVENNER. Will you answer the question, please? Were you a member of the Communist Party?

MISS COMINGORE. I am counting 10. I do that occasionally when I am angry.

MR. JACKSON. We all do.

MR. TAVENNER. I wish you would count 15 then.

MISS COMINGORE. I would have to take off my shoe.

MR. TAVENNER. Let me ask you this question first. Do you know Mr. Max Silver?

MR. ESTERMAN. Is the previous question withdrawn?

MR. TAVENNER. Yes, for the moment. Do you know Mr. Max Silver?

MISS COMINGORE. I decline to answer that, and I would like to give three reasons why I decline to answer that. Two will be extremely brief, and one will take possibly 2 minutes, and I am sure that you would allow me that courtesy.

MR. DOYLE. Subject to the same rulings I have made to each of the other witnesses who have testified before you did, but proceed, because we want to cooperate and you shall have full opportunity.

MISS COMINGORE. I would like to cooperate, because I have been sitting here for two days waiting to be called, and I have a 4 months' old baby at home and it has worked somewhat of a hardship.

MR. DOYLE. Your counsel called me about that yesterday and I fixed a definite hour this afternoon in order to accommodate you, and so I do not think you should charge us with discourtesy.

MISS COMINGORE. I am not charging you with anything.

MR. DOYLE. We have an appointment.

MISS COMINGORE. Don't jump to conclusions, please.

MR. DOYLE. I am answering your statement.

MISS COMINGORE. I would like to make this brief, and if you will allow me to make it brief——

MR. DOYLE. But under the facts, that is all we want.

MISS COMINGORE. I will stick to facts.

MR. DOYLE. All right.

MISS COMINGORE. I don't live in a realm of fantasy. I refuse to answer the question because you cannot inquire into my opinions or associates under the first amendment, and in the second place, you cannot compel me to testify against myself under the fifth amendment, and my third reason is going to be very short, too. I am a simple person and my attitude toward my country, its institutions, and its people is a simple but passionate one, and that attitude can be summed up in one word, and that word is loyalty. Beyond that, my philosophy taught me by my mother is based on a compassion for all of the people struggling to live in dignity.

MR. DOYLE. Miss Comingore, I do not mean to be unduly firm, but I see you are referring to——

MISS COMINGORE. To notes; yes.

MR. DOYLE. Well, now, do not be argumentative, please.

MISS COMINGORE. I loathe arguments and if you will allow me, I will be briefer than any witness you have had on the stand.

MR. DOYLE. All right; that is a deal. We had one that took 1 minute and a half.

Miss COMINGORE. My father taught me to implement my compassion by fighting for the basic rights of people, those rights embodied in the Bill of Rights and the Emancipation Proclamation. You see, his forefathers fled the Inquisition in Spain, and eventually came to this country and helped to settle New Amsterdam. They went to Kentucky and established the first Presbyterian church in Kentucky.

Mr. TAVENNER. That could not be in response to my question.

Mr. DOYLE. I realize it.

Miss COMINGORE. And they proudly fought in our Revolution, and for 4 years proudly defended—

Mr. DOYLE. You are reading a statement, and I must say you are welcome to file your statement with us.

Miss COMINGORE. I am not reading a statement, and do I keep my eyes glued to the paper?

Mr. DOYLE. No; of course you do not, because you have memorized part of it.

Miss COMINGORE. I told you I would endeavor to be brief.

Mr. DOYLE. I know, but we cannot give you any exceptions that we have not been in a position to give others.

(Statement made by the witness was ordered stricken from the record.)

Miss COMINGORE. And another world war would be organized insanity.

Mr. DOYLE. We will agree with you.

(Statement made by the witness was ordered stricken from the record.)

Mr. DOYLE. Any other question, counsel?

Mr. TAVENNER. Did you have the name of "Linda," and use the name of "Linda" and were you known by the name of "Linda" within the Communist Party?

(The witness conferred with her counsel.)

Miss COMINGORE. Look, you have asked the same kind of question, and I will give you the same kind of answer and the same Constitution—

Mr. DOYLE. Do you give the same answer that you gave to the other question, standing on the first and fifth amendments?

Miss COMINGORE. I stand on the fifth amendment.

Mr. ESTERMAN. May it be understood that the previous answer is incorporated?

Mr. DOYLE. It is understood.

Mr. TAVENNER. Were you ever a member of the Communist Party?

Miss COMINGORE. Don't you get bored asking the same question?

Mr. TAVENNER. I get bored with the replies.

Miss COMINGORE. Then it is reciprocity, isn't it, and so you get the same answer I gave previously.

Mr. TAVENNER. Are you now a member of the Communist Party?

Miss COMINGORE. You are cute.

Mr. DOYLE. Just a moment.

Miss COMINGORE. The same answer as I gave previously.

Mr. TAVENNER. And based on the same grounds?

Miss COMINGORE. Yes.

Mr. ESTERMAN. May it be understood that the last two answers be answered as the same answer as the previous questions, and the same grounds are repeated.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Thank you.

(The witness was excused.)

Mr. DOYLE. The next witness, Mr. Tavenner.

Mr. TAVENNER. I will call Mr. Paul Perlin.

Mr. DOYLE. Mr. Perlin, please raise your right hand. You solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PERLIN. I do.

TESTIMONY OF PAUL PERLIN, ACCOMPANIED BY HIS COUNSEL, BEN MARGOLIS AND THOMAS G. NEUSOM

Mr. TAVENNER. What is your name, please, sir?

Mr. PERLIN. May I have the privilege of assembling some material here?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. May the record show that the counsel are Mr. Margolis and Mr. Neusom.

While you are assembling the material, Mr. Perlin, you understand, please, because I know you have been in the hearing room most of the day, at least, I will insist on my rulings as to you as I have the others, and not permit you to be argumentative, and we want you to give every conscientious, valid reason you have, and if you have a prepared statement, we will be glad to receive it and file it.

Mr. PERLIN. I will give every conscientious, valid reason I have, I assure you.

Mr. DOYLE. And if you get argumentative, I will strike it out.

Mr. TAVENNER. What is your name, please, sir?

Mr. PERLIN. My name is Paul Robert Perlin, P-e-r-l-i-n.

Mr. TAVENNER. You are present pursuant to a subpoena served upon you?

Mr. PERLIN. I am.

Mr. TAVENNER. Do you recall the date when the subpoena was served on you for your appearance before this committee, or the approximate date?

(The witness conferred with his counsel.)

Mr. PERLIN. I am not quite clear on the date. It has been a long time ago, almost a year, I believe.

Mr. TAVENNER. And your appearance had been postponed from time to time?

Mr. PERLIN. By a series of telegrams.

Mr. TAVENNER. When and where were you born, Mr. Perlin?

Mr. PERLIN. I was born in Middletown, Conn., one of the New England States, the home of Town Forum—

Mr. DOYLE. Just a moment.

Mr. PERLIN. One of the birthplaces of the Bill of Rights which this vindictive committee is trying to destroy.

Mr. DOYLE. Now, Mr. Perlin, let us have an understanding, but may you have and I have an understanding that I am not going to permit you to take the time of this committee to be argumentative, any more than I have anybody else.

(Statement made by the witness was ordered stricken from the record.)

Mr. DOYLE. You will not say anything that is argumentive and impertinent to this committee.

Mr. TAVENNER. You now reside in Los Angeles?

Mr. PERLIN. I do now reside in Los Angeles.

Mr. TAVENNER. How long have you lived in Los Angeles?

Mr. PERLIN. To the best of my knowledge, approximately 19 years.

Mr. TAVENNER. Briefly what has been your record of employment since 1935?

Mr. PERLIN. Since 1935 I worked in the film industry up until the time that I volunteered for service in the Armed Forces.

Mr. TAVENNER. Let me interrupt you there a moment. Will you be a little more specific about your employment in the film industry prior to your entering the service?

Mr. PERLIN. Well; as I recall, and in this industry we really go from place to place, and lose quite a bit of work in between—to the best of my knowledge, my main place of employment was Universal Pictures where I worked a number of years.

Mr. TAVENNER. Well, what was the nature of your work? That was the thing I was more particularly interested in.

(Statement made by the witness was ordered stricken from the record.)

Mr. TAVENNER. You stated that you were a member of the Armed Forces for a period of time.

Mr. PERLIN. That is right.

Mr. TAVENNER. What was the period of time?

Mr. PERLIN. I volunteered for the Armed Forces at the end of 1943, despite the fact that I was a pre-Pearl Harbor father and was offered indefinite deferment by the personnel director of Universal, and I was in the Ninety-sixth Infantry Division, and I went overseas with that division and fought in the infantry from the assault waves on Leyte all the way through the campaign. I was on Okinawa for the first half hour of that campaign, where I was wounded and received some decorations, the Bronze Stars and Invasion Arrows, and commendation and divisional bulletin.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. JACKSON. There were a few other million people who engaged in the fight against fascism, including several members of the committee, one of whom left two legs on the Normandy beachhead in the fight against fascism.

Mr. PERLIN. I saw screaming women and dead children and I saw burned villages and towns, and I saw destruction on a scale unparalleled, and if you want to go from that to atomic and hydrogen destruction, you can do it, Mr. Jackson, but count me out, and count out the millions of humanity in our country and the rest of the world. We won't be a party to it.

I understood that Mr. Doyle was of the opinion that it looked to him like there would be another two or three more years of war in Korea, and I don't want to see other young lives shattered because of people who have lost their conscience.

Mr. TAVENNER. When did you return from the Armed Forces?

Mr. PERLIN. I returned from the Armed Forces at the end of 1945, and despite high-pressure sales talks on the part of my superior officers, I respectfully declined becoming part of the Reserves, and I felt I did my share, and I wanted to return to my wife and children.

By the way, I didn't see my second child until he was 15 months old.
 Mr. TAVENNER. Briefly what has been your employment since that time?

Mr. PERLIN. Since the time of my return?

Mr. TAVENNER. Yes.

Mr. PERLIN. I was again employed in the motion-picture industry up until the time I was blacklisted on June 15.

(Further remarks of the witness were ordered stricken from the record.)

Mr. DOYLE. But you need not get your books out and prepare to read a lot of arguments, because I am not going to allow you to do it, and so let us have an understanding.

Mr. PERLIN. You are working on your own assumptions, and I don't plan to do any extensive reading. I have views, opinions, and ideas, and feelings, which have accumulated over a long period of time, and they are deep down inside of me and I am going to get them off my chest.

Mr. DOYLE. You are not going to get anything off this chest that is going in the record as a matter of your propaganda, and you might as well understand it.

Mr. PERLIN. If you call the truth propaganda, make the most of it, and you know dash well it is the truth.

Mr. DOYLE. The truth is never propaganda, except truthful propaganda. Now let us proceed.

Mr. PERLIN. You just contradicted yourself, and let that be on the record.

Mr. DOYLE. Let us proceed to the questions and answers.

Mr. TAVENNER. Mr. Perlin, during the course of the hearings conducted by this committee Mr. Max Silver, who was formerly organizational secretary of the Communist Party for Los Angeles, testified that you at one time were organizer of a branch of the Communist Party composed of studio workers, and that he participated in a number of small functionary meetings, "he" meaning you, participated in a number of small functionary meetings on the problems or the difficulties of the organization of that particular branch.

Were you an organizer of the branch of the Communist Party composed of studio workers?

Mr. PERLIN. I decline to answer that question and my declination is based on the following grounds:

No. 1: To answer that question would tend to degrade me as a citizen and as a union man who, in common with every decent American, has an abhorrence of stool pigeons and any utterings of stool pigeons, and in the bylaws of our union with very few exceptions our meetings are kept secret for the very purpose that this sort of trash has again and again struck serious blows at decent, conscientious Americans.

Mr. TAVENNER. May I interrupt you? I was not asking you about any question about secret meetings of your union. I was asking you about the Communist meetings of the Communist Party.

Mr. PERLIN. I am pointing out that secrecy at union meetings has been a result, among other things, of the infiltration of stool pigeons and other types of slime who used the confidence, faith, and decency of their fellow man as a weapon to destroy their fellow man, and

such people should be surrounded by contempt, hatred, and should die unlamented and be left to rot.

Mr. DOYLE. Now, I will ask you to file that statement with us if you want to.

Mr. PERLIN. That isn't a statement. I have no statement.

Mr. DOYLE. Do not refer to it every second, then, as you read it; testify.

Mr. PERLIN. Now, look here, Mr. Doyle, my wife and children and my job are at stake and not yours at the moment, and yours will come up somewhat later, and I am confident in the ultimate judgment of the American people.

Mr. DOYLE. You are going to abide by the procedure of this committee.

Mr. PERLIN. I am a very patient man and I am confident of the outcome.

Mr. DOYLE. I am trying to be very patient with you, sir, but you are not going to get any special favors from this committee, so you might as well know it.

Mr. PERLIN. I am not concerned with any special favors from this committee.

Mr. DOYLE. Then you abide by the rules and procedures, and we will get along all right.

(Statement made by the witness was ordered stricken from the record.)

Mr. DOYLE. You just go ahead and answer your questions, and don't ask for any special treatment.

Mr. PERLIN. I am not asking for special treatment.

Mr. DOYLE. And I am going to insist that you testify and not read your statement; if you have a statement, give it to us, and we will file it.

Mr. PERLIN. I am not reading from any statement; I have some notations here.

(Statement made by the witness was ordered stricken from the record.)

Mr. PERLIN. I am not an attorney. The things I feel in all good faith and in conscience as reasons are my reasons as I understand them.

Mr. JACKSON. Do you have any legal reasons for not answering the question, Mr. Perlin?

(Statement made by the witness was ordered stricken from the record.)

Mr. PERLIN. I further decline to answer on the grounds contained in Public Law 601, which, as I understand it, is supposed to commission the committee to investigate into areas of subversive propaganda activities and to decide on remedial legislation. This Public Law 601, I contend, by the very nature of its language, is operating in the sphere of ideas, of opinions, of associations, and it is operating in the very area which the first amendment grants to the American people. Therefore, I claim that Public Law 601 is an illegitimate offspring of Congress, and that this body should be decommissioned by Congress.

I further decline on the grounds contained in the first amendment, which states, to the best of my knowledge, that Congress shall pass no law abridging freedom of speech, press, or of association, and by

no law I understood it to mean no law. Maybe I am very naive, but that is the way I understood it.

(Statement made by the witness was ordered stricken from the record.)

Mr. PERLIN. Because this committee cannot but be illegal for that purpose and for that reason.

Mr. DOYLE. Now, I will ask you to not read your statement; and if you have a written statement, you can file it.

Mr. PERLIN. I am not reading it.

Mr. DOYLE. Do not look at it every second.

Mr. PERLIN. Don't tell me how to go about my testimony. It is my wife and family that is suffering, and not yours.

Mr. DOYLE. We will tell you the procedures of the committee.

(Statement made by the witness was ordered stricken from the record.)

Mr. PERLIN. Again you don't seem to like the truth, and I think it was a very mild descriptive phrase for what this committee has done to many, many people.

Mr. JACKSON. To this point insult has been pretty much of a one-way street before this committee, and we have taken a lot of abuse from you and others like you. Just a moment, and let me—

Mr. PERLIN. Facts and truth are not insults, Mr. Jackson, unless people are in their own minds uneasy in their conscience.

Mr. JACKSON. I am not at all uneasy in my conscience, and I imagine my conscience is considerably easier to live with so far as I am concerned, than yours is, Mr. Perlin.

Mr. PERLIN. The only possible reason might be extreme callousness and hardening of certain aspects of that conscience.

Mr. DOYLE. Let us get back to the question, Mr. Tavenner. Will you answer the question, please, Mr. Perlin?

Mr. PERLIN. I continue my answer, and I further decline on the grounds contained in the fourth amendment to our Bill of Rights, the amendment which deals with invasions of privacy. I contend that this committee has invaded the privacy of the thought, the associations and through stool-pigeon participation has dragged people before it and subjected them to severe punishment, and I consider this a very clear and strong invasion of privilege as I understand that amendment.

I further decline on the portion of the sixth amendment which as I understand it deals primarily with the question of due process of law.

(Statement made by the witness was ordered stricken from the record.)

Mr. DOYLE. Mr. Perlin, we have been more than decent with you and I am not going to go much further with you—just a moment. You are in this forum and we can take so much despicable insult from you and no more. You understand?

Mr. PERLIN. My family and I have taken terrible punishment and suffering through this committee, and its acts, and how can you sit there drawing your check every week, when other people are going through severe hardship and act so extremely proper.

Mr. JACKSON. May I suggest that the witness be cautioned by the Chair as to personal references to members of this committee or of the Congress of the United States?

Mr. PERLIN. I have made no reference to the Congress of the United States. I said this was an illegitimate committee, and I am solely concerned with this committee, and its sphere of action and I mean no reflection upon the Congress.

Mr. JACKSON. I consider your last remark to be insulting in a very high degree.

Mr. PERLIN. What you consider is your own opinion, and you are just one person among 2½ billion on the face of this globe, and not the most important person, I assure you.

Mr. DOYLE. Will you proceed. And I will order this room cleared in a moment. If you people who are laughing out loud so it disturbs the peace, we will not have it, and this witness, of course, is trying to put on a show, and I am going to stop it in a minute or two.

Mr. PERLIN. I am not concerned with putting on any show, I assure you, and I am merely concerned with doing my best to preserve the rights which I think are vital to all of us.

Mr. DOYLE. Do not read your speech.

Mr. PERLIN. I am not reading my speech, and don't prompt me so. I think I am over 21.

Mr. DOYLE. I think that you are, too.

Mr. PERLIN. I want to further state that under the due-process clause this committee has not while acting, in my opinion, as a body which is semijudicial in character, and which inflicts punishment and allows no cross-examination, and I think it departs so far from other legislative bodies in acting in this manner that I feel a witness is entitled to the right of cross-examination, because the method of this committee is very foreign to the best of my knowledge of that of any other committee of Congress I have ever heard of or read about, and I would like to read American history.

I further decline to answer on the basis of the seventh amendment to the Constitution, where I feel the cruel and unusual punishment sector of it, where I am convinced as a matter of fact that it means the livelihood and the families and the futures of every person before this committee who asserted his constitutional prerogatives and did not cooperate in the manner, shape, or form this committee so desired, has suffered cruel and unusual punishment without due process of law.

I further decline to answer on the basis of the ninth amendment, which stipulates as I understand it that the enumeration and constitution of certain rights does not mean to deprecate or disparage all other rights which reside in the American people, and these rights are many and varied. Among them I consider as very fundamental the right to work, free from harrassment, free from stool pigeons, and free from inquisitions, and free from any pressures other than the pressure of whether a man is capable of doing the work he is qualified for, which I think should be the only condition.

Also, the right to security in persons and property, and I believe that when a man works in an industry, as I have in the motion-picture industry since the age of 17 from the labor gang to slugging on scaffold gangs and the grip department, I feel that there is in a sense a property right here, particularly when my employment record has been a commendable one and no employer at any time has ever raised a question of efficiency, as a condition for my working or not working.

I also feel that under the ninth amendment that a human being should be judged not by slogans, not by propaganda, remarks of

individuals, and not by newspaper headlines, but by their essential dignity and their essential decency and by the quality of their relationship with their fellow human beings, and by their worth as human beings, and not by what the passing headlines may say as a result of hearings of this kind. I am absolutely confident that in the not distant future many, many things which have been done to people here will be looked upon with shame and horror by the American people. I am convinced of that.

Further, I decline to answer on the ground contained in the tenth amendment to our Constitution, which as I understand it is the delegated powers amendment, which stipulates that all those powers which the people have not delegated to the Congress reside in the people themselves. I feel that in that amendment is contained the whole area of thinking, of association, of all of the things decent and fine and human which this committee is violating.

I further state in my declination that I decline on the grounds contained in the fifth amendment which by the way in the unanimous opinion of, I believe, every competent legal authority in our country is the very pillar and foundation of the entire Constitution and Bill of Rights. It is particularly that portion which states no person may be required to bear witness against himself. Strike that portion from our Constitution and you have tyranny, compulsion, and the loss and destruction of the entire Bill of Rights and the Constitution itself, and in further declination under the fifth amendment.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. PERLIN. That is a verbatim quote from your own transcript, and do you deny its truth?

Mr. JACKSON. I stand on it, Mr. Perlin, and I still feel that we might find out a great deal about the termites who are at work trying to destroy the rest of the Bill of Rights; that is far from an advocacy of the repeal of the fifth amendment.

Mr. PERLIN. Your language is very plain and explicit here.

Mr. JACKSON. I can understand my language better than you can, Mr. Perlin.

Mr. PERLIN. I can understand it very well.

Mr. JACKSON. I have read the testimony, and I gave the testimony.

Mr. PERLIN. It happens to be the very pillar on which the Bill of Rights rests, and you cannot remove it without removing the Bill of Rights.

Mr. JACKSON. I agree with you perfectly. I say if it was not for the fifth amendment to the Bill of Rights, we would find out where a lot of termites were trying to destroy the structure of the Constitution of the United States.

Mr. PERLIN. That is the same language that tyrants have used through the centuries in trying to compel people and force them into testimony against themselves. There is no essential difference.

Mr. JACKSON. Heaven help us if they ever have their way with our Constitution.

Mr. PERLIN. Heaven help us if Mr. Jackson ever has his way with our Constitution.

Mr. JACKSON. Our Constitution is much safer with me than it is with you.

Mr. PERLIN. I doubt your veracity, with a capital doubt and a capital veracity.

Mr. DOYLE. Have you finished answering the question, Mr. Perlin? Have you given your reasons for it?

Mr. PERLIN. I have already answered the question.

Mr. DOYLE. All right.

Mr. TAVENNER. Mr. Perlin, are you now a member of the Communist Party?

Mr. PERLIN. Mr. Tavenner, believe me, and if you will permit me a bit of humor, I consider you as subtle as the proverbial bull in the china closet, and I decline to answer on the previously stated grounds.

Mr. TAVENNER. Thank you.

Mr. DOYLE. Even though that is an insult and everyone would consider it so, I will leave it in the record because that is the level of most of your testimony.

Mr. PERLIN. I reject that statement of yours, Mr. Doyle. The level of my testimony comes from my heart and my innermost feelings, and I assure you that that is where it comes from, and I don't and the very fact that you are hostile to me is one of the highest compliments that could be paid to me.

Mr. JACKSON. May we on the committee say amen to that.

Mr. PERLIN. And I will say double amen to your amen.

Mr. DOYLE. Are there any other questions?

Mr. TAVENNER. I have no questions.

Mr. DOYLE. May Mr. Perlin be excused?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. Thank you, Mr. Perlin.

Mr. PERLIN. I have no thanks for you for the many difficulties you have caused my family.

(The witness was excused.)

Mr. DOYLE. The witnesses under subpoena are directed to come back tomorrow morning at 10 o'clock and the committee will go into public session tomorrow morning at 10 o'clock.

(Thereupon, at 5 p. m., a recess was taken until Tuesday, October 7, 1952, at 10 a. m.)

COMMUNIST ACTIVITIES AMONG PROFESSIONAL GROUPS IN THE LOS ANGELES AREA

TUESDAY, OCTOBER 7, 1952

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10:10 a. m., in room 518, Federal Building, Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Subcommittee members present: Representatives Clyde Doyle and Donald L. Jackson.

Staff members present: Frank S. Tavenner, Jr., counsel; William A. Wheeler, investigator; and John W. Carrington, clerk.

Mr. DOYLE. We will proceed. The morning session, will please come to order, and we will proceed. May I again reiterate that which our distinguished chairman, Mr. Wood, said on every occasion when the sessions were opened while he was here, that we will not knowingly tolerate any expressions of applause or disapproval in the hearing room. I know you will all cooperate and be good sports and make it easier for the witnesses and the committee to work. We appreciate very much and expect that cooperation.

Are you ready, Counsel?

Mr. TAVENNER. Yes, sir. I would like to call Betty Selden.

Miss SELDEN. Could I ask not to be photographed while I am here?

Mr. DOYLE. The press claims their rights under the first and fifth amendments.

Mr. MARGOLIS. Did you read the decision that came down yesterday?

Mr. DOYLE. I am not going to make a rule that the free press of America cannot make pictures in an open hearing.

Mr. MARGOLIS. Did you read the decision that came down yesterday that there was no necessity of testifying under such circumstances?

Mr. DOYLE. That was a different situation entirely, and it was on television, and it does not apply.

Mr. MARGOLIS. The principle that this interferes with testifying applies.

Mr. DOYLE. I am not going to interfere with the free press on any occasion and the public taking pictures as these people are doing, and I will continue to seek their cooperation in not taking a picture of a witness when she is taking the oath, and I am sure that you will cooperate at that point.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss SELDEN. I do.

**TESTIMONY OF BETTY S. SELDEN, ACCOMPANIED BY HER COUNSEL,
BEN MARGOLIS**

Mr. TAVENNER. What is your name, please?

Miss SELDEN. My name is Betty S. Selden.

Mr. TAVENNER. Are you represented by counsel?

Miss SELDEN. I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. MARGOLIS. Ben Margolis.

Mr. TAVENNER. How do you spell your last name?

Miss SELDEN. S-e-l-d-e-n.

Mr. TAVENNER. Where were you born?

Miss SELDEN. I was born in a small town near Kiev, Russia, and it is an odd name and so I won't tell you about it, you wouldn't recognize it. It is a very odd name and so I won't tell you the name. It sounds very odd.

Mr. TAVENNER. When did you come to the United States?

Miss SELDEN. I came here as an infant with my father, and I am naturalized through him in 1914.

Mr. TAVENNER. Are you a resident of Los Angeles?

Miss SELDEN. I have lived in Los Angeles since 1929, except for 1 year when I went to the East and returned.

Mr. TAVENNER. How long have you lived in Los Angeles?

Miss SELDEN. Since 1929 continuously except for 1 year, I went away and I came back, and I went to work in the East during the war and I came back a year later.

Mr. TAVENNER. What is your occupation or profession?

Miss SELDEN. I am a registered social case worker.

Mr. TAVENNER. Where are you employed?

Miss SELDEN. I am employed by the county of Los Angeles.

Mr. TAVENNER. How long have you held that position?

Miss SELDEN. I have worked continuously since April of 1934, except the 1 year when I went to Washington, and I worked in Washington during the war and I then returned to my job.

Mr. TAVENNER. The committee has had testimony by Mr. Harold Ashe, of the decision of the Communist Party to form Communist Party cells composed of members of the professions. We have been for some time following that testimony, and investigating the extent to which Communist Party organizations have been formed within various professions. According to the testimony of Mr. Ashe, one reason, at least, for the formation of those cells was that the persons who were members of it would enjoy a special privilege of secrecy that ordinary members of the Communist Party do not enjoy, principally because of the sensitive positions that they may occupy.

Alice K. Bennett appeared before the committee in Washington, on May 22, 1952, as a witness, and in the course of the testimony she divulged the fact that she, herself, had been a member of the Com-

munist Party from 1939 to 1942, and that she had been assigned to a social workers' group of the Communist Party. Now, she identified you as a member of that group.

Were you a member of a group of the Communist Party organized among the social workers, or consisting principally or even partially of social workers?

Miss SELDEN. I decline to answer that question, and I would like to give my reasons, and I will not be very long. I would like to say just a little bit. I have had, since May when I was subpoenaed, the benefit of the services of two attorneys, and after all of those 5 months I realized that the answers I would make were out of my own heart and my own feelings and my own thoughts. I am a very ordinary American person and I feel I speak for a lot of very ordinary people.

Mr. DOYLE. Now, may I interrupt. You are not asked to speak for any other person, and merely for yourself. If you have a legal ground or a legal basis for refusing to answer the question, why we would like to have it.

Miss SELDEN. Yes; I speak on legal grounds.

Mr. TAVENNER. But nothing beyond that.

Miss SELDEN. I speak on legal grounds, and that question violates my rights under the first and fifth amendments, and I think you are invading my privileges of affiliation, and I don't wish to be a witness against myself.

Mr. TAVENNER. Are you now a member of the Communist Party?

Miss SELDEN. I decline to answer that question on the grounds previously stated.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Thank you.

May I ask, Miss Selden, you volunteered the information that you worked at Washington 1 year. In what department of the Government did you work for 1 year in Washington?

Miss SELDEN. During the time I worked there, I worked for a period of time for the National Red Cross, and then I worked for the Bureau of Public Assistance of the District of Columbia.

Mr. DOYLE. And what year was that?

Miss SELDEN. I was there from 1942 to 1943, and I left here to go there, and then I returned here.

Mr. DOYLE. Thank you.

Are there any other questions?

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. May the witness be excused?

Mr. TAVENNER. Yes.

Mr. DOYLE. Thank you, Miss Selden.

(The witness was excused.)

Mr. TAVENNER. Are you ready for the next witness?

Mr. DOYLE. Yes.

Mr. TAVENNER. I would like to call Sarajo Lord.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Miss LORD. I do.

**TESTIMONY OF SARAJO LORD, ACCOMPANIED BY HER COUNSEL,
THOMAS G. NEUSOM AND BEN MARGOLIS**

Mr. NEUSOM. Mr. Chairman, since there is no one seated behind the table, I wonder if we could move this over so that we would have more room and perhaps Mr. Margolis and I could both sit at the table with the witness.

Mr. DOYLE. Certainly, we will be glad to do that.

Mr. TAVENNER. What is your name, please?

Miss LORD. Sarajo Lord.

Mr. TAVENNER. Will you spell your name?

Miss LORD. S-a-r-a-j-o L-o-r-d.

Mr. TAVENNER. Will counsel please identify themselves for the record.

Mr. NEUSOM. Thomas G. Neusom and Ben Margolis.

Mr. TAVENNER. Where were you born?

Miss LORD. In Chicago, Ill.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Miss LORD. I am.

Mr. TAVENNER. How long have you been a resident of Los Angeles?

Miss LORD. For most of the time since 1930.

Mr. TAVENNER. What is your work or employment?

Miss LORD. I work as an organizational worker.

Mr. TAVENNER. What type of organizational worker, I mean what organization?

Miss LORD. First, I would like to ask why I am here.

Mr. TAVENNER. You are here to answer the questions which I expect to ask you regarding various activities which the committee is informed you have engaged in.

Miss LORD. I see. I am not to know the source of your information?

Mr. TAVENNER. I think it will be quite apparent when I ask the questions.

Miss LORD. I see; then if I may answer this question in my way, I will be very happy to. When I was subpoenaed to come before you I had of course to investigate why. I am satisfied with my own loyalty, and I am satisfied with my devotion to my country.

Mr. TAVENNER. And you are not answering my question at all.

(Statement made by the witness was ordered stricken from the record.)

Mr. TAVENNER. You stated you were an organizational worker, as I understood it.

Miss LORD. That is right.

Mr. TAVENNER. What organization have you been employed by?

Miss LORD. I want to answer that, if I may, in my own fashion, and I will try to keep it responsive, and I will try to keep it pertinent and I will try to keep it down in time.

Mr. DOYLE. Will you please tell what organization, and then if there are any further questions, you can give your reasons why you refuse to answer, if you do, and it is a simple question, what organization.

Miss LORD. I do not think it is a simple question, Mr. Doyle, and I do not think it is a simple question because if this committee were a constitutionally legal committee I doubt that it would be asking such questions. I find that my devotion to the Constitution is unquestioned and I find that I must investigate your intentions.

Mr. DOYLE. You are not here to investigate our intentions, and we are a duly constituted committee of the United States Congress operating under Public Law 601, and you are duly subpoenaed to come and answer our proper questions. Now, if you have any grounds, legal grounds, why you do not answer, we want you to manifest those grounds and reasons, and you have two distinguished lawyers by your side who are well able to advise you of your constitutional rights and no doubt they have already. But I do not think that this is the place in answer to this question for you to give your philosophy of life, or your opinions of this committee.

Miss LORD. I assumed I was here because of my opinions.

Mr. DOYLE. Well no one has told you so.

Miss LORD. I cannot think of any other reason.

Mr. DOYLE. Well, all right, then do not assume too much. For the purpose of this question, I am directing you to answer the question as asked.

Miss LORD. Then may I answer as follows: If the Constitution of the United States, formulated and written by our forefathers, out of their recent experience with tyranny, did so and framed it in such a fashion as to prevent further tyranny, and to protect me and other citizens, and under one of the clauses providing such protection, the fourteenth amendment which calls for the illegality of any Member of Congress or the Senate or any representative in Government, were he to have been a part of a rebellion.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. DOYLE. All right, but that does not refer to what you are referring to. Plead the Constitution and all of it if you want to, and we are glad to have you stand on your constitutional rights.

Miss LORD. Then let me move on to the fifteenth.

Mr. JACKSON. That will leave the two reasons as given for not testifying.

Miss LORD. On the basis of the first amendment which provides a guaranty for me that I shall not be restricted in my rights of speech and my rights to think and my rights of association.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. DOYLE. Let us have this understanding, you have testified that you are an organizational secretary, or worker, and now our question is, what organization.

Miss LORD. I see.

Mr. DOYLE. Now, that is all.

Miss LORD. I am trying to tell you.

(Further remarks made by the witness were ordered stricken from the record.)

Mr. DOYLE. All we are asking you, you volunteered the statement that you are an organizational worker, and now are you ashamed of what your organizations are that you are working for, or were, I do not want to assume that.

Miss LORD. Don't.

Mr. DOYLE. But you are dodging the question.

Miss LORD. I am not dodging the question.

Mr. DOYLE. Then please answer.

Miss LORD. Let me point out that you have put in hours and hours of carrying on your special kind of propaganda, and I am here for a few minutes.

Mr. DOYLE. We are not going to let you take even a few minutes to deliberately propagandize the philosophy which you may—

Miss LORD. You can't say the word "peace" in this forum?

Mr. DOYLE. Yes, and I am in Congress because of my interest in world peace, and that is the primary reason I am there, young lady.

Miss LORD. May I ask you a question, Mr. Doyle?

Mr. DOYLE. No; please answer your question.

(Statement made by the witness was ordered stricken from the record.)

Mr. DOYLE. We are trying to be courteous and dignified, and will you cooperate with us and help us to be able to be, in spite of your unwillingness.

Miss LORD. I have very deep convictions about America.

Mr. DOYLE. We are glad you have, and we want you to have deep convictions.

Miss LORD. I intend to maintain them.

Mr. DOYLE. But we are in a position where this is not the forum for you to debate those convictions, except as they be in proper answer to a proper question. But will you please answer the question, and I direct you to do so. It is a very proper question. Do you know what the question is, and to refresh your memory you were asked: What organizations you are working for?

(Statement made by the witness was ordered stricken from the record.)

Miss LORD. Mr. Doyle, is it not responsive and material that in one place in this guide it speaks of an appeal made by one of the organizations against listing it?

Mr. DOYLE. This does not refer to any guide, you are simply asked in response to your own voluntary statement that you are an organizational worker; what organizations?

Miss LORD. And I am trying to answer that question.

Mr. DOYLE. You are avoiding it.

Miss LORD. Yes, there is indeed a further legal reason, the legal reason provided me by the fifth amendment.

Mr. DOYLE. Very good, you have given the fourteenth, the fifteenth, and the first.

Miss LORD. And now the fifth, and the fifth which guarantees me protection against incriminating myself. Now, I have wanted to make clear that the organizations listed by you—

Mr. DOYLE. It is not a question of what we have listed, the question is what organizations are you a worker for, that is the whole question.

Miss LORD. I decline to answer because this is an invasion of my constitutional rights and I will not bear witness against myself.

Mr. DOYLE. We do not want you to bear witness against yourself, and—

Miss LORD. I think it is unavoidable because you make the rules.

Mr. DOYLE. The pleading of the fifth amendment is ample in the judgment of this committee, and our counsel, for a refusal.

Miss LORD. It is a most unresponsive answer, Mr. Doyle.

Mr. DOYLE. Any time.

Miss LORD. Certainly the circumstances in which it is asked must have some effect on the answer.

Mr. DOYLE. You have pleaded the fifth amendment and that is ample in our judgment, and will also be for the refusal to answer any further questions.

Miss LORD. I hope Mr. Jackson sanctions that.

Mr. DOYLE. Are there any other questions?

Mr. TAVENNER. Do you now hold any official position with the southern California chapter of the National Council of the Arts, Sciences, and Professions?

(The witness conferred with her counsel.)

Miss LORD. On your list of verboten organizations, I think that there is the southern California chapter of the Arts and Sciences and for the reasons that I stated and some of the reasons that I did not state, including the fifth amendment, I will not answer that question.

Mr. TAVENNER. Did you at any time present a signature card to the Security First National Bank of Los Angeles, the purpose of which was to authorize you to draw funds on the council's account at that bank?

Miss LORD. This is the same question, I believe, and for the same reasons I will not answer.

Mr. TAVENNER. I hand you four photostatic copies of checks over the signature of Arts, Sciences and Professional Council, by Sarajo Lord, and Helen Blair, bearing the dates of July 2, July 3, July 6, and July 13, 1951, and all payable to Sarajo Lord, and each in the amount of \$49.80. Will you examine those checks and state whether or not they represented the payment of salary or salaries to you, as an officer of that organization?

(The witness conferred with her counsel.)

Miss LORD. Mr. Tavenner, did you want me to answer your question?

Mr. TAVENNER. Yes.

Miss LORD. May I say first of all that I am shocked and I think any American citizen is shocked at the disclosure that you have available to yourselves, all of the private information of any person through collusion with their bank or their doctor or their lawyer or their priest. I give the answer given previously for the reasons given previously.

Mr. DOYLE. May I assure you that we have no knowledge of any collusion with any bank or with any priest, or any person you mentioned, we do have the power of subpoena under Public Law 601; it is the power given us by the United States Congress.

Miss LORD. Which has to do with your activity in discovering subversive propaganda.

Mr. DOYLE. That is right, under Public Law 601 and that is why we are here, it is to discover whether or not you have any knowledge of any subversive propaganda or activities, and if you do we would appreciate your telling us. However, I am not going to urge you to do anything which you conscientiously feel you should not do, due to your constitutional rights.

Miss LORD. Mr. Doyle, I would like to report to you the activity which I consider the most forceful and violent against our Constitution which is carried on by this committee, and I would like to report to you that there have been instances of the most frightful violence against the Negro people and the Jewish people in Mr. Jackson's area, and it is my understanding that he said in Detroit that he had issued a strong statement against this. I do not think that that is sufficient.

I did something more. I reported that all day long, and I reported that activity against the home of Mr. Bailey, on Dunsmuir, so that there could be a large and broad meeting of people to protect not in words but with their bodies the home of Mr. Bailey and his family.

MR. JACKSON. That is a very fine speech but that is hardly responsive to the question as to whether or not your signature appears on the check.

MISS LORD. I have already answered that.

MR. JACKSON. You have declined to answer it for the reasons stated.

MISS LORD. Yes.

MR. TAVENNER. I desire to offer the photostatic copies of the checks, and ask that they be marked as "Lord Exhibits Nos. 1, 2, 3, and 4," respectively.

MR. DOYLE. They are received and it is so marked.

(The documents above referred to, marked "Lord Exhibits Nos. 1, 2, 3, and 4" are filed herewith.)

MR. TAVENNER. Miss Lord, I would now like for you to examine a photostatic copy of a pamphlet which I am having handed to you, and it is entitled "The Truth About Korea," and will you tell the committee please what you know about the publication and dissemination of that pamphlet by the Arts, Sciences, and Professions Council if you know.

(Witness conferred with her counsel.)

MISS LORD. Mr. Tavenner, would you be kind enough to repeat the question?

MR. TAVENNER. Read the question, please.

(Question was read by the reporter.)

MISS LORD. Mr. Tavenner, I would like to say why I believe I am asked this question. This is a pamphlet, I see, that was an exposition of the circumstances surrounding the war and the beginning of war in Korea. I think that it is significant that I am asked about this if for no other reason that the last lines, where it says:

It is the road to peace, the first step on that road is to stop hostilities in Korea; we must take that step now at whatever cost of face. It is not face that is at stake, but our own lives.

MR. TAVENNER. It is also a document which in every instance where it has an opportunity vilifies and abuses the non-Communist government of South Korea, and extravagantly praises the Communist dictatorship in the north, does it not?

MISS LORD. I haven't seen that in this, Mr. Tavenner, and I have seen that attack in the newspapers. In the revelations by the United States Army, Syngman Rhee was responsible for thousands of murders of people who wanted a democratic Korea.

MR. TAVENNER. Well, now, will you tell the committee what you know about the printing of that publication by the Council of the Arts, Sciences and Professions, and its dissemination.

MISS LORD. I feel that most especially under the first amendment which I can see may be outlawed if Mr. Velde has his book burning bill—

MR. TAVENNER. It was outlawed as far as this type of hearing was concerned by the Supreme Court of the United States in the Trumbull case, was it not?

MISS LORD. I think that that is interesting, and that duly constituted body has had one effect on legislation, and that was to do away with the first amendment of the Constitution.

Mr. DOYLE. Now, I want to call your attention that you recognize through your counsel that we also try to keep up with what the law is.

Miss LORD. It should be easy, when you make it.

Mr. DOYLE. While we make the law, the courts define the law.

Miss LORD. I have found, Mr. Doyle, that you ignore the law, and that you are above the law.

Mr. DOYLE. No. We do not try to be, even though some other people do try to be.

Miss LORD. Mr. Doyle, I would like to go back to this list of subversive organizations.

Mr. DOYLE. No, will you please answer the question that our counsel has asked you, I directed you to answer, or stand on whatever rights you feel that you have.

Miss LORD. Then, I will refuse to answer this question for reasons, previously stated, the fifth amendment.

I wonder that you asked us to come up here.

Mr. JACKSON. We could write on a small page the amount of testimony that we are getting from most of the witnesses.

Miss LORD. You don't want the testimony.

Mr. JACKSON. We don't want propaganda, and I think that this is an excellent point, Mr. Chairman, that there has been a great deal of talk about this committee and whether or not it is actually investigating Communist propaganda. This booklet, 'The Truth about Korea,' as I understand it parrots the line of the Soviet foreign offices, the statements contained in it can be read any day in the Communist Daily Worker, and in the Peoples' Daily World. Now, propaganda does not spring fullblown like Minerva; propaganda is the expression of the minds of men, of the lips of men, and comes from the hearts of men.

Miss LORD. And also it——

Mr. JACKSON. And propaganda is the length and shadow of such an institution as the Arts, Sciences and Professional Council. It is particularly Communist propaganda which as I say can be read any day in the Communist Daily Worker.

Mr. DOYLE. May I ask, will you please answer counsel's question? And I direct you to, or else——

Miss LORD. I have answered it, Mr. Doyle.

Mr. DOYLE. You have given the full answer to it as far as you want. I understand, then.

Mr. TAVENNER. Mr. Stanley Roberts, a screen writer and former member of the Communist Party, testified before this committee on May 20, 1952, that he understood that this pamphlet had been sent to practically the entire mailing list of the Screen Writers' Guild. Will you tell the committee how the Council of the Arts, Sciences and Professions procured the mailing list of the Screen Writers' Guild, if it did?

(The witness conferred with her counsel.)

Miss LORD. Mr. Tavenner, I think that your question embodied some assumptions which I cannot agree to, but I also refuse to answer your question for the previously stated grounds, the guaranties mainly by the fifth amendment.

Mr. TAVENNER. What assumption is it that you do not agree to?

Miss LORD. I would rather not go into further discussion on it with you.

Mr. TAVENNER. Why?

Miss LORD. I have already stated that I decline to answer.

Mr. TAVENNER. For the reasons that you had assigned?

Miss LORD. For the fifth amendment, on the grounds of the fifth amendment.

Mr. TAVENNER. Are you now a member of the Communist Party?

Miss LORD. Because of the guaranties given me in the fifth amendment, I refuse to answer that question.

(Statement made by the witness was ordered stricken from the record.)

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Miss LORD. And that question I refuse to answer for the same reason.

Mr. TAVENNER. I have no further questions.

Mr. JACKSON. I have no questions.

Mr. DOYLE. May I see this booklet?

Mr. NEUSOM. I think on the question before the last, you said that the answer was being stricken, at that time; and did you amend your ruling, or was the entire answer to that question stricken?

Mr. DOYLE. Not to the extent that she properly pleaded the constitutional grounds of refusing to answer. We always want them to do that.

I notice this pamphlet was produced by your council, entitled "The Truth About Korea." I notice on the second page from the end, the first paragraph under the caption "Conclusions," and I read:

As a matter of evidence, the press, the President, and the Pentagon have not only distorted the truth, they have turned it inside out.

There is this further identification of the pamphlet: On the last page thereof it is printed, "Southern California Chapter of the National Council of the Arts, Sciences and Professions, 1586 Crossroads of the World, Hollywood 28, California." There is no date upon it that I see.

Have you any knowledge, Miss Lord, of the date when this publication was issued?

Miss LORD. Mr. Doyle, that is substantially the same question I have been asked several times, which I have refused to answer, standing on the fifth amendment; and I refuse to answer this one on the same grounds.

Mr. DOYLE. Are you offering this, Mr. Counsel?

Mr. TAVENNER. No, sir. It is already an exhibit.

Mr. DOYLE. Are there any questions, Mr. Jackson?

Mr. JACKSON. I have no questions.

Mr. DOYLE. Thank you, Miss Lord.

Is there any reason why the witness should not be excused?

Mr. TAVENNER. There is no reason for not excusing the witness.

Mr. DOYLE. The witness is excused.

(The witness was excused.)

Mr. TAVENNER. Mr. Chairman, that is all we have for the present.

Mr. DOYLE. Before ending the proceedings of the committee, I wish to make this statement:

Several of the witnesses who declined to answer whether or not they were Communists now, or ever had been, have stated in the

hearing room that this committee was both judge and jury. It is so absolutely a statement that is not founded on fact that I wish the record to show the status of this committee in such hearings as this.

First, let me refer to the hearings before the full committee when the Honorable John S. Wood was acting as chairman prior to the hearing by the subcommittee constituted by Mr. Jackson and myself. If before such a committee there had been any decision or if there is any decision by that committee arising out of hearings before it as a full committee, that full committee can neither punish nor convict nor cite any person who appeared before it for contempt, unless the full committee voted so to do, and then that full committee reported to the United States Congress its recommendation that the witness be cited for contempt, and then not unless Congress itself voted to cite the witness for contempt.

Then following a citation by the United States Congress for contempt, the witness would have a right to go to the district court and defend on a prosecution by the United States attorney. After appearing in the district court, the witness would have a right to appeal to the appellate court; and after a hearing in the appellate court, they would have the right to appear in the United States Supreme Court.

I just wish to emphasize that this full committee is not a judge and jury.

Now then, let me call your attention to the status of this subcommittee, or any subcommittee of the full Committee on Un-American Activities. If Mr. Jackson and I, as a subcommittee, felt that it was right, under the law, to recommend any witness before us be cited for contempt, we would have to report that to the full Un-American Activities Committee, and that committee would have to vote to approve our recommendation. And after the full membership of the Un-American Activities Committee recommended or approved a recommendation of Mr. Jackson and myself as a subcommittee, that recommendation would have to go first to the United States Congress and have to be approved by Congress, and then, if Congress approved the citation, it would then go to the United States district attorney for prosecution, and then to the district court, and then the appellate court, and then the United States Supreme Court.

I just wish to emphasize, therefore, for the record, and for the information of the public, that this committee is not in fact a judge and jury, because we have no power of punishment.

For several days we had before us members of the California bar, lawyers; and at that time I did not have at my hand the report of the Special Committee to Study Communist Tactics, Strategy, and Objectives, and recommendations adopted by the House of Delegates of the American Bar Association, dated February 25, 1952. I now have that report issued by the office of the association at 1140 North Dearborn Street, Chicago 10, Ill. I want to read just one short paragraph, and then ask that this be included in our hearings and our report at the appropriate place in connection with the testimony before this committee of the members of the bar. I just wish to read one paragraph, and I read on page 6:

The congressional committees investigating communism, and in particular the House Un-American Activities Committee, have been attacked on the ground that they have engaged in smear campaigns, and have invaded the constitutional rights of persons investigated. Your committee is impressed with the fairness with which hearings before that committee have been conducted during the period

of time indicated by our study of the published testimony. We are satisfied that the witnesses called to testify before the committee are being treated fairly and properly in all respects, and we also feel satisfied that each witness is accorded full protection so far as his constitutional or other legal rights are involved.

Moreover, the confidential communications between attorneys and clients have been fully respected.

It is our view, the view of your committee, that current attacks on the House Un-American Activities Committee are unjustified. Whether deliberate or misguided, such unwarranted attacks result in reducing the effectiveness of the committee's great service to the American people.

I offer that for the record.

I call attention of the committee to, and I wish only by reference to include, a brief on Communism (Marxism and Leninism) Its Aims, Purposes, Objectives and Practices, published by the American Bar Association, with reports and recommendations of the Special Committee on Communist Tactics, Strategy, and Objectives. I just wish to read a very brief foreword for identification:

The American Bar Association is of the opinion that communism and its basic doctrine, Marxism-Leninism, are not understood and the dangers thereof fully appreciated by the American people. This brief has been prepared by the Special Committee on Communist Tactics, Strategy, and Objectives for distribution to the public, and for its study and use.

Signed, Cody Fowler, president of the American Bar Association.

Mr. TAVENNER. I think that I should call to the subcommittee's attention a letter which was written by Adele Buffington to the committee under date of September 25, 1951, and which was intended to have been placed in the record at that time and it was not. So I desire that this letter now be made a part of the record.

Mr. DOYLE. It will be received and filed in the record.

(The letter referred to was filed with the committee.)

Mr. DOYLE. I will ask subcommittee member Jackson to read a statement on behalf of the committee.

Mr. JACKSON. Thank you, Mr. Chairman.

As the subcommittee of the House Committee on Un-American Activities completes its present hearings in the Los Angeles area, it is the wish of the full committee to extend its thanks to those who have cooperated in assuring that the work of the Congress should not be interrupted by elements and forces whose preannounced intention it was to disrupt the hearings by demonstrations within and outside the hearing room.

The thanks of the committee and of the Congress are due the police and security agencies of city, county, State, and Federal Governments. We are especially indebted to United States Marshal James J. Boyle, Sheriff Eugene Biscailuz, and Chief of Police William Parker, without whose continuing assistance and cooperation it would have been very difficult to properly conduct these hearings.

The committee also wishes to express its appreciation to the custodian of the Federal Building, Mr. E. B. Stillwell, and to the employees in the building whose unflinching courtesy and help has facilitated the orderly conduct of this Federal business.

To the gentlemen of the press and radio, the committee extends its thanks for giving full and complete coverage to the hearings.

The present hearings have resulted in a far greater public understanding of the extent and nature of communistic activities in the Los Angeles area. In carrying out the charge laid upon the committee by the Congress of the United States, the committee members

have individually and collectively suffered unprecedented and unjustified abuse and vilification. However, the public reaction to the conduct of these hearings has been most gratifying to the public servants of the American people, whose unpleasant task it is to disclose subversive propaganda activities throughout this country. We are grateful to the many citizens of Los Angeles and vicinity who have communicated their expressions of confidence and of support to this committee.

Mr. DOYLE. Is there any further business before the subcommittee, Counsel?

Mr. TAVENNER. No.

Mr. DOYLE. This subcommittee, then, stands in adjournment, and with this adjournment, the present hearings by the Un-American Activities Committee, or this subcommittee thereof, are terminated. Thank you very much for your courtesy extended.

(Whereupon, at 11:15 a. m., Tuesday, October 7, 1952, the hearings were adjourned.)

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